

STANDARDS COMMITTEE

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

**Date: Thursday, 10 September
2015**

Time: 2.00 p.m.

A G E N D A

1. Apologies for Absence.
2. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
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 16th July, 2015 (herewith) (Pages 1 - 3)
5. Update on Standards Committee Working Group (Verbal Update by the Chairman)
6. Update on the Handling of Complaints of possible Breaches of the Code of Conduct for Members (report herewith) (Pages 4 - 6)
7. Request for a dispensation from the Requirements of the Code of Conduct (report herewith) (Pages 7 - 9)
8. Standards Committee Work Plan (herewith) (Pages 10 - 12)
9. Whistleblowing Allegations Received (report herewith) (Pages 13 - 15)
10. Outcome of Standards Hearing re Alleged Breach of the Code of Conduct (herewith) (Pages 16 - 19)
11. Exclusion of the Press and Public.
The following items are 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).

12. Minutes of a meeting of the Standards Consideration and Hearing Panel held on 11th June, 2015 (herewith) (Pages 20 - 21)
13. Minutes of a meeting of a Standards Committee Hearing Panel held on 19th August, 2015 (herewith) (Pages 22 - 25)
14. Date and Time of Next Meeting - Thursday, 10th December, 2015 at 2.00 p.m.

A handwritten signature in black ink, appearing to read 'C. Parkinson', with a long horizontal flourish extending to the right.

C. PARKINSON

Interim Director of Legal and Democratic Services.

STANDARDS COMMITTEE
Thursday, 16th July, 2015

Present:- Beck (in the Chair); Councillors Alam, Beaumont, Fleming, Hughes, Rowley and Swann and also Ms. A. Dowdall and Mr. P. Edler.

Apologies for absence were received from Councillor Finnie, Pitchley, Taylor and Bates and Saltis.

11. JACQUELINE COLLINS, MONITORING OFFICER

The Committee were sorry to hear that Jacqueline Collins, Monitoring Officer, had now left the Council, but wished her all the best for the future.

Resolved:- That the Committee's thanks and appreciation be forwarded onto Jacqueline Collins.

12. IAN DAINES, INDEPENDENT MEMBER

The Committee were sorry to hear that Ian Daines, Independent Member, had tendered his resignation from the Committee.

Resolved:- That the Committee's thanks and appreciation for all the work involved be forwarded onto Ian Daines.

13. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH JUNE, 2015

Consideration was given to the minutes of the previous meeting held on 11th June, 2015.

Reference was made to the investigations/hearings involving Anston Parish Council and the limited powers available to the Standards Committee.

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 11th June, 2015 be approved as a correct record.

14. REVIEW OF THE STANDARDS COMMITTEE

Consideration was given to the report which outlined suggestions relating to the review of the Standards Committee's role and Terms of Reference in the light of recent reports of Alexis Jay and Louise Casey and the Government intervention in the Council.

The arrival of the Commissioners had meant that the Standards regime needed to be examined to ensure that it contributed to the improvement of the Council. The Commissioners wished to introduce improvements to ensure healthy democratic leadership and accountability and a fresher more prominent Standards Committee would contribute to the

development of this healthier culture.

Various options for improvement were suggested in the report to which the Members of the Committee could contribute.

The Committee were mindful of the limited powers within the framework and did not wish to see these diluted further and urged those involved to be more proactive and have a serious look at the standards regime to see what aspects could be strengthened to promote transparency and ethical standards.

To take this forward it was suggested that a working group be established to consider options in depth and report back to the Standards Committee in September, 2015.

Resolved:- (1) That a working group be established to advise the Standards Committee on any possible improvements that could be made to the Standards Committee.

(2) That Members put forward any ideas they have for re-vitalising the Committee.

(3) That membership of the working group consist of Councillors Beck and Hughes (Chairman and Vice-Chairman), an Opposition Member (to be confirmed), Dave Rowley (Parish Council Representative), Phil Beavers (Independent Person) and Peter Edler (Independent Member).

15. REVIEW OF THE WHISTLEBLOWING POLICY

Consideration was given to the report which confirmed the Standards Committee was responsible for establishing and monitoring the operation of the Council's Whistleblowing Policy and how this was communicated to employees.

The Policy was reviewed in June 2014, however following the findings of the Jay and Casey reports and the publication of Whistleblowing Guidance for Employers and Code of Practice by the Department for Business Innovations and Skills (BIS), it had been identified as part of the Council's Improvement process that it was appropriate for the current Whistleblowing Policy to be reviewed again.

The Committee were mindful that in the main the detail of the Policy was fine, but it was suggested that the name be changed from the Confidential Reporting Code to allow employees to be aware of the content and comfortable in reporting concerns.

Resolved:- That a revised draft Policy be prepared initially for consideration by the Working Party of the Standards Committee at its first meeting.

16. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place at the Town Hall, Rotherham on Thursday, 10th September, 2015, commencing at 2.00 p.m.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	10 th September 2015
3.	Title:	Update on the Handling of Complaints of possible Breaches of the Code of Conduct for Members
4.	Directorate:	Resources & Transformation

5. Summary

- 5.1 To update the committee with regard to the handling of complaints of breaches of the Code of Conduct.

6. Recommendations

- 6.1 That the committee notes the steps that have been taken to resolve the complaints

7. Proposals and Details

- 7.1 Since the previous committee meeting, the following steps have been taken to consider and respond to allegations that the Code of Conduct for Elected Members has been breached.

7.2 Update

- 7.2.1 At the previous meeting members were informed that an investigation was to be undertaken into allegations that a parish councillor:

- Had disclosed confidential information and
- Had not treated fellow councillors with respect

- 7.2.2 These cases were referred to a Panel of the Standards Committee which met on 19th August 2015. The meeting was adjourned from July 2015 when the Parish Councillor involved did not attend.

- 7.2.3 The panel found that on both grounds the parish councillor had breached the code of conduct and imposed the following sanctions that the Standards Committee

1. Report its findings to the Parish Council for information;

2. Recommend to Rotherham MBC publication of the decision that the Councillor breached the code of conduct;
3. Recommend to Anston Parish Council that Parish Councillors formally censure the Parish Councillor through an appropriate motion;
4. Recommend to the Parish Council that the Councillor be removed from all or any of its committees or sub-committees; and
5. Recommend to the Parish Council that the Councillor be removed from all outside appointments to which he had been appointed or nominated by the Parish Council.

7.3 New Complaints

The following new complaints have been received since the last meeting of the Standards Committee.

- 7.3.1 An anonymous complaint that a borough councillor had not treated a member of the public with respect.

The monitoring officer arranged for the views of the member involved to be obtained and on receiving information to the background of the matter, decided to take no further action on the matter.

- 7.3.2 A complaint by a parish councillor that a borough councillor had brought the office of councillor into disrepute.

The borough councillor has been contacted and asked for views on the complaint. The matter is still being considered.

- 7.3.3 A complaint by a member of the public that a parish councillor had brought the office of councillor into disrepute and had attempted to bully the complainant.

The monitoring officer informed the complainant that she did not intend to investigate as the facts outlined appeared to be the 'rough and tumble' of politics. The complainant was not satisfied with decision of the monitoring officer and asked that the matter be reviewed. The independent person was then consulted and he agreed with the conclusion of the monitoring officer and the complainant was informed accordingly

8. Finance

Any work undertaken by the Monitoring Officer in dealing with these complaints in contained within the budget for Legal Services.

9. Risks and Uncertainties

- 9.1 It is the Standards Committee's duty to enforce the code of conduct. It is the Councils duty to encourage high standards of ethical conduct. Therefore if the

standards committee does not monitor any allegations of breaches of the code the standards regime could fall into disrepute.

10. Policy and Performance Agenda Implications

10.1 The council has a statutory duty to uphold ethical standards

11. Background Papers and Consultation

11.1 Where appropriate, consultation has taken place with the independent person

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	10 th September 2015
3.	Title:	Request for a dispensation from the Requirements of the Code of Conduct
4.	Directorate:	Resources & Transformation

5. Summary

- 5.1 The Committee is requested to consider requests for a dispensation from three Councillors at Ulley Parish Council.

6. Recommendations

- 6.1 That the Committee considers and determines the requests for a dispensation.
- 6.2 If a dispensation is granted, that the Committee decides the grounds for the grant, and the duration of the dispensation

7. Proposals and Details

- 7.1 Three Councillors from Ulley Parish Council have applied for a dispensation under the Localism Act 2011.
- 7.2 The circumstances are that the Parish Council own the Village Hall which is occupied by a charity called the Ulley Millennium Trust.
- 7.3 Two members of the Parish Council are trustees of the Millennium Trust and one Parish Councillor is a committee member of the trust.
- 7.4 As there are only five members of the Parish Council, when issues relating to the village hall or the Millennium Trust are discussed, the three members are required to declare an interest and the Council meeting becomes inquorate.
- 7.5 The Law
- 7.5.1 The Standards Committee may grant a dispensation under S33 of the Localism Act in the following circumstances.
- 7.5.2 That having regard to all the circumstances it

- a) Considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business, as to impede the transaction of the business.
- b) Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- c) Considers that granting the dispensation is in the interests of persons living in the area.
- d) If it is an authority to which Part 1A of the Local Government Act 2000 applied and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- e) Considers it is otherwise appropriate to grant a dispensation.

If the Committee were minded to grant a dispensation in this case, grounds 1,3 and 5 may be relevant and should be considered.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

8. Finance

None.

9. Risks and Uncertainties

- 9.1 If the dispensation is not granted the Parish Council may be unable to fulfil its responsibilities as owner of the village hall

10. Policy and Performance Agenda Implications

None.

11. Background Papers and Consultation

11.1 Three applications for dispensations under the Localism Act 2011.

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee Working Group
2.	Date:	10 th September 2015
3.	Title:	Standards Committee Work Plan
4.	Directorate:	Resources & Transformation

5. Summary

5.1 This report introduces a suggested annual work plan for the Standards Committee

6. Recommendations

6.1 That the working group consider and comment on the proposed work-plan.

6.2 That the finalised work-plan form part of the final report of the working group.

7. Proposals and Details

7.1 As part of the review and refresh of the Standards Committee consideration was given to the introduction of a work-plan for the committee. This would enable to Committee to focus on a range of issues throughout the year and provide transparency into the work of the committee and demonstrate that the committee contributes to the development of the Council.

7.2 A copy of the draft work-plan is attached at **Appendix 1**.

8. Finance

8.1 The production of the work-plan will be contained within existing budgets.

9. Risks and Uncertainties

9.1 If the work of the committee is not focused and transparent there is a risk that the standards regime may fall into disrepute.

10. Policy and Performance Agenda Implications

- 10.1 The Council has a statutory duty to uphold ethical standards and a formal work-plan for the Standards Committee demonstrates that the Council is fulfilling this duty.

11. Background Papers and Consultation

None.

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STANDARDS COMMITTEE WORK PLAN: 2015/2016

Date	Update	Comments
10 th September 2015	Confidential Reporting Code Review work plan General Update from Monitoring Officer Request for dispensation Ulley Parish council Outcome of Hearing held on 19 th August 2015	
10 th December 2015	Operation of Standards Complaints Procedure Draft Annual Report Update from Monitoring Officer	
10 th March 2016	Report into external inspections, Audit investigations, Ombudsman investigations and legal challenges Update from Monitoring Officer	
9 th June 2016	Review of Terms of Reference of the Standards Committee Update from Monitoring Officer	

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	10 th September 2015
3.	Title:	Whistleblowing Allegations Received
4.	Directorate:	Resources & Transformation

5. Summary

- 5.1 This report outlines details of an exercise undertaken to ascertain how many whistleblowing allegations have been received by the council over the last three years and where appropriate, how these allegations have been dealt with.
- 5.2 The whistleblowing procedure relates to complaints received under the council confidential reporting code.

6. Recommendations

- 6.1 That the committee notes the report.
- 6.2 That the committee request any further action they deem appropriate.

7. Proposals and Details

- 7.1 The underpinning delivery plan for victims of child sexual exploitation provides for 'putting in place strong whistleblowing arrangements'.
- 7.2 The terms of reference for the committee includes:

'To establish and monitor the operation of the complaints procedures and whistleblowing procedures'
- 7.3 At the last meeting members requested that an audit be undertaken to ascertain how many whistleblowing complaints have been received within the last three years and details of what happened in respect of those complaints.
- 7.4 Following the meeting, all strategic directors and directors were written to asking for details of any whistleblowing complaints received in the last three years.

Responses revealed that a total of eight complaints had been received as follows:

1. An anonymous complaint was received. This was in relation to an allegation of possible benefit fraud by an employee of the council. Internal checks did not disclose any matters of concern. The matter was then referred to the Department of Work and Pensions Benefit Fraud Department to take any action deemed appropriate.

As the complaint was anonymous it was not possible to give feedback to the complainant.

2. A complaint about resourcing decisions, lack of recognition and praise from a manager. The complaint was made in 2013. An internal investigation was conducted. The matter was completed in 2015 with all officers involved remaining in the Council.
3. A complaint about working relationships was received and investigated. It became clear that there were irreconcilable differences between the parties. Within the assistance of ACAs the matter was resolved through Judicial Mediation.
4. An allegation of financial mismanagement at a school was received. The matter was investigated by the Councils internal audit team. The allegations were not substantiated. This matter was reported to the Standards Committee on 12th June 2014.
5. An allegation in November 2012 about a potential inappropriate relationship between an officer and a contractor. The investigation revealed several procedural weaknesses in awarding contracts but the complaint was not substantiated. Management were informed and an internal audit report produced.
6. An allegation in November 2013 of a manipulation of information to meet performance targets. There did appear to be some truth to the allegations but the manipulation was undertaken by an external contractor. Management were informed and an internal audit report produced.
7. A complaint that staff had removed "scrap metal" belonging to the Council and sold it for profit which the staff kept. The findings supported the evidence and both officers were disciplined and received final written warnings.
8. An allegation in January 2015 that an officer of the Council was engaged in other employment activity whilst on sick leave. The allegation was substantiated and the employee resigned before the disciplinary process was completed.

8. Finance

- 8.1 Any expense in investigating these complaints is contained within departmental budgets.

9. Risks and Uncertainties

- 9.1 If the whistleblowing procedure is not regularly reviewed there is a risk that the corporate governance of the council will deteriorate. This in turn could have adverse consequences for the services provided by the council for the community as a whole

10. Policy and Performance Agenda Implications

- 10.1 It is the responsibility of the Standards Committee to review and monitor the implementation of the confidential reporting code.

11. Background Papers and Consultation

- 11.1 The Rotherham Metropolitan Borough Council confidential reporting code.

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	10 th September 2015
3.	Title:	Outcome of Standards Hearing re Alleged Breach of the Code of Conduct
4.	Directorate:	Resources and Transformation

5. Summary

- 5.1 This report sets out the outcome of a Standards Hearing which took place on 19th August 2015 in relation to an alleged breach of the Code of Conduct for Members by Stuart Thornton a Parish Councillor at Anston Parish Council.

6. Recommendations

- 6.1 It is recommended that the Standards Committee:
- 1) Note the sanctions imposed by the Panel at the hearing
 - 2) Take the appropriate action to ensure these sanctions are implemented

7. Proposals and Details

- 7.1 An investigation has been ongoing into two complaints received by the Monitoring Officer in respect of possible breaches of the Code of Conduct by a Parish Councillor at Anston Parish Council.
- 7.2 The first complaint was that on two occasions, Councillor Thornton had breached the Code of Conduct on 9th July 2014 and 16th August 2014 when he accused a fellow councillor of being 'corrupt'.
- 7.3 The pertinent parts of the code are:
 (Paragraph 3)
 (1) You must treat others with respect.
 (2) You must not
 b) bully any person
 (Paragraph 5)
 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

The second complaint was that on 17th June 2014 Councillor Thornton divulged confidential information.

The pertinent part of the Code is:

(Paragraph 4)

You must not-

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware is, of a confidential nature, except where-

(i) you have the consent of a person authorised to give it

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is –

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with reasonable requirements of the Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

7.4 The hearing of the matter was adjourned from 15th July 2015 as Councillor Thornton informed the Council he would not attend on that day and finally heard on 19th August 2015. Councillor Thornton did not attend the hearing.

7.5 The Investigating Officer presented the report of her investigation into whether there had been breaches of the Members Code of Conduct which had been adopted by Anston Parish Council and which fell within the remit of Rotherham Metropolitan Borough Council's Standards Committee.

7.6 The panel heard evidence in respect of the first complaint from a former Parish Councillor who was a Parish Councillor at the time of the alleged breach, that on two occasions Councillor Thornton had called him 'corrupt' He answered questions from members of the panel.

7.7 The Panel concluded that Parish Councillor Thornton had breached the Code of Conduct in relation to this complaint.

7.8 The Panel then heard evidence in respect of the second complaint, from a former Parish Councillor, who was a Parish Councillor at the time that Councillor Thornton had divulged information provided at a confidential meeting. She answered questions from members of the Panel.

7.9 The Panel concluded that Parish Councillor Thornton had breached the Code of Conduct.

7.10 The Panel considered the sanctions that would be appropriate in this case, and in accordance with the Council's procedure unanimously agreed to:-

- Report its findings to the Parish Council for information
- Recommend to Rotherham Borough Council publication of the decision that Parish Councillor Thornton had breached the Code of Conduct.
- Recommend to the Parish Council Parish Councillor Thornton's formal censure through an appropriate motion.
- Recommend to the Parish Council that Parish Councillor Thornton be removed from all outside appointments to which he has been appointed or nominated by the Parish Council.
- Recommend to the Parish Council the removal of Parish Councillor Thornton from any or all of its committees or sub-committees.

8. Finance

8.1 It is estimated that the hearing and investigation into this matter in respect of time of officers amounts to approximately £1000. The cost of the independent Person from Sheffield MBC is expected to be in the region of £100.

8.2 Other time and therefore indirect costs related to this matter are the time of witnesses who gave evidence and statements and the time of members of the Standards Committee who formed the Panel which heard the matter.

9. Risks and Uncertainties

9.1 There is a risk that if incidents of possible breaches of the Code of Conduct are not investigated properly and considered by the Standards Committee, the Code of Conduct will not be properly respected and adhered to.

10. Policy and Performance Agenda Implications

10.1 Standards Committee – responsibility for promoting ethical standards. The Council has a statutory duty to promote high ethical standards.

11. Background Papers and Consultation

11.1 Previous investigation reports.

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