

STANDARDS COMMITTEE

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

Date: Thursday, 14 January 2016

Time: 1.00 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 10th September, 2015 (herewith) (Pages 1 - 6)
5. Minutes of the Standards Committee Working Groups held on 1st October and 19th November, 2015 (herewith) (Pages 7 - 12)
6. Update on the Handling of Complaints of possible Breaches of the Code of Conduct for Members (report herewith) (Pages 13 - 18)
7. Proposed Standards and Ethics Committee Work Plan 2016 (herewith) (Pages 19 - 25)
8. Date and Time of Next Meeting - Thursday, 10th March, 2016 at 2.00 p.m.



C. PARKINSON,
Interim Director of Legal and Democratic Services.

STANDARDS COMMITTEE - 10/09/15

**STANDARDS COMMITTEE
10th September, 2015**

Present:- Councillor Beck (in the Chair); Councillors Beaumont, Finnie, Hughes, Taylor, Parish Councillors D. Bates, D. Rowley and R. Swann and also Ms. A. Dowdall, Mr. P. Edler, Ms. J. Porter and Mrs. C. Saltis.

Also in attendance Mr. P. Beavers and Mr. D. Roper-Newman, Independent Persons.

Apologies for absence were received from Councillors Alam and Fleming.

17. MINUTES OF THE PREVIOUS MEETING HELD ON 16TH JULY, 2015

Consideration was given to the minutes of the previous meeting held on 16th July, 2015.

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 16th July, 2015 be approved as a correct record.

18. UPDATE ON STANDARDS COMMITTEE WORKING GROUP

The Chairman gave a verbal update on the progress of the Working Group, which had met immediately prior to this meeting.

Consideration had been given to the procedure for the reporting of complaints, the need for this to be strengthened and for a more transparent and robust process. A revised procedure would be submitted to the next meeting of the Working Group for consideration.

In addition, the Working Group received a report relating to possible sanctions in relation to Member conduct and attendance. A good discussion took place with some acknowledgement that many of the sanctions were voluntary.

Some thought was also given to the proposed work plan going forward for the Standards Committee, which would be included on the next meeting's agenda, along with the Member/Officer Protocol, how to raise the profile of the Standards Committee and promotion of the work of the Committee through the website.

Resolved:- That the information be noted.

19. UPDATE ON THE HANDLING OF COMPLAINTS OF POSSIBLE BREACHES OF THE CODE OF CONDUCT FOR MEMBERS

Consideration was given to a report presented by the Interim Director of Legal and Democratic Services which provided an update on the handling of complaints relating to breaches to the Code of Conduct and the subsequent steps taken.

At the previous meeting the Committee were informed that an investigation was to be undertaken into allegations that a Parish Councillor:-

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

These cases were referred to a Panel of the Standards Committee which met on 19th August, 2015 following a previous adjournment. The Panel found that on both grounds the Parish Councillor had breached the Code of Conduct.

A number of new complaints had also been received since the last meeting:-

- 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 Elected Member involved to be obtained and on receiving information to the background of the matter, decided to take no further action on the matter.

- A complaint by a Parish Councillor that a Borough Councillor had brought the office of Councillor into disrepute.

The Borough Councillor had been contacted and asked for views on the complaint. The matter is still being considered.

- 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

Resolved:- That the steps taken to resolve the complaints be noted.

20. REQUEST FOR A DISPENSATION FROM THE REQUIREMENTS OF THE CODE OF CONDUCT

Consideration was given to a report presented by the Interim Director of Legal and Democratic Services which detailed a request for a dispensation from three Councillors from Ulley Parish Council under the Localism Act 2011.

STANDARDS COMMITTEE - 10/09/15

The circumstances for the request were outlined as the Parish Council owned the Village Hall which was occupied by a charity called the Ulley Millennium Trust.

In this case two members of the Parish Council were trustees of the Millennium Trust and one Parish Councillor was a committee member of the trust.

As there were only five members of the Parish Council, when issues relating to the Village Hall or the Millennium Trust were discussed, the three members were required to declare an interest and the Council meeting became inquorate.

The circumstances on which the Standards Committee may grant a dispensation were outlined which must specify the period for which the dispensation has effect and must not exceed four years.

Resolved:- (1) That the request for dispensation be approved for a period of four years.

(2) That the grounds on which the dispensation was approved related to the fact that:-

- a. Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the body transacting the business that it would impede the actual transaction of the business;
- b. The granting of the dispensation was in the interests of persons living in the area and
- c. It was appropriate to grant a dispensation.

21. WHISTLEBLOWING ALLEGATIONS RECEIVED

Consideration was given to a report presented by Stuart Fletcher, Service Manager, which outlined the details of an exercise which was undertaken to ascertain how many whistleblowing allegations had been received by the Council over the last three years and, where appropriate, how these allegations had been dealt with.

A total of eight complaints had been received relating to:-

1. An anonymous complaint 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. The matter was investigated by the Council's 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.

Details of any allegations received under the whistleblowing procedure/ confidential reporting code were reported annually to the Standards Committee.

Resolved:- That the report be received and the contents noted.

STANDARDS COMMITTEE - 10/09/15

22. OUTCOME OF STANDARDS HEARING RE ALLEGED BREACH OF THE CODE OF CONDUCT

Consideration was given to a report presented by the Interim Director of Legal and Democratic Services which set 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, Parish Councillor at Anston Parish Council.

The first complaint was that on two occasions, Councillor Thornton had breached the Code of Conduct on 9th July and 16th August 2014 when he accused a fellow Councillor of being 'corrupt'.

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

The Panel heard evidence in respect of the first complaint and concluded that Parish Councillor Thornton had breached the Code of Conduct in relation to this complaint.

The Panel then heard evidence in respect of the second complaint and again concluded that Parish Councillor Thornton had breached the Code of Conduct.

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.**

The Committee expressed their disappointment at the limited sanctions available given these sanctions replicated those that had already been imposed on the same Councillor after a previous hearing prior to the election. Since the election the Parish Councillor had been voted into the position of Vice-Chair and the restrictions lifted.

It was agreed that the outcome of the hearing and sanctions imposed be communicated to Anston Parish Council and that they be asked to report back to the Standards Committee in respect of any action taken by them.

(1) Resolved:- (a) That the sanctions imposed by the Panel at the hearing be noted.

(b) That the appropriate action be taken to ensure the sanctions were implemented.

(2) Recommended:- That the decision by the Panel be published on the Council's website and in the local press.

23. 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).

24. MINUTES OF A MEETING OF THE STANDARDS CONSIDERATION AND HEARING PANEL HELD ON 11TH JUNE, 2015

Consideration was given to the minutes of a Consideration and Hearing Panel held on 11th June, 2015, where it was agreed the allegations be subject to an investigation.

Resolved:- That the minutes of the Consideration and Hearing Panel be noted.

25. MINUTES OF A MEETING OF A STANDARDS COMMITTEE HEARING PANEL HELD ON 19TH AUGUST, 2015

Consideration was given to the minutes of a Hearing Panel held on 19th August, 2015, where various recommendations were made.

Resolved:- That the minutes of the Hearing Panel be noted.

26. 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 December, 2015 commencing at 2.00 p.m.

STANDARDS COMMITTEE WORKING GROUP
Thursday, 1st October, 2015

Present:- Councillor Beck (in the Chair); Mr. P. Beavers, Mr. P. Edler and Mr. D. Rowley.

Apologies for absence were received from Councillors Finnie and Hughes.

11. MINUTES OF THE PREVIOUS MEETING

Consideration was given to the minutes of the previous meeting held on 10th September, 2015.

Agreed:- That the minutes be approved as a correct record.

12. SUPPLEMENT TO THE MODEL CODE OF CONDUCT

Consideration was given to the proposed supplement to the Council's Code of Code specifically for Rotherham Elected Members suggested by Lead Commissioner Sir Derek Myers.

The suggested supplement provided more transparency for the public to judge the performance of Elected Members with a tangible statement of purpose for all Members.

The Working Group welcomed the inclusion of this supplement, its use of language and how it clearly set out the expectations and standards within the role of a Councillor. It was recommended this be reviewed on an annual basis.

The Working Group were also mindful of the text within the original Code of Conduct and suggested a footnote be included to give the Dictionary definition of bullying.

Agreed:- That the proposed supplement, with the slight revision, be forwarded onto the Standards Committee for consideration and approval.

13. REVISED WHISTLEBLOWING PROCEDURE

Consideration was given to the revised Whistleblowing Policy presented by Stuart Fletcher, Deputy Monitoring Officer, which strengthened the current whistleblowing arrangements in line with the Council's legislative requirements and actively encouraged reporting of information about serious misconduct.

The question as to whether the Council's Whistleblowing Policy should be made available to the public had been referred to the Commissioners for their view. Should it be felt appropriate that the public should be able to access such a Whistleblowing Policy, then a similar, but separate policy

could be prepared for that purpose and made available on the Council's website.

Details of the changes were outlined and the revisions welcomed, especially the dedicated email address and proforma for anyone wishing to report an actual or suspected serious wrongdoing.

The Working Group considered in detail the suggestion of whether or not the Standards Committee had a role in affording an employee more protection from repercussions and reporting lines and challenge as part of the process. This was noted, but believed to be fully enclosed within the whistleblowing and grievance processes within the Council.

However, in order to keep the Standards Committee fully informed of whistleblowing activity it was proposed and agreed that a report be received by the Standards Committee on a quarterly basis.

Agreed:- That the Whistleblowing Procedure be forwarded to the Standards Committee for approval, subject to further information being received on public access to the policy.

14. PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

Consideration was given to the Procedure for Dealing with Standards Complaints presented by Angela Harwood, Legal Adviser, which detailed how the present procedure for dealing with complaints had not been fully updated since the introduction of the Localism Act 2011.

A new procedure for use at any hearings was approved by the Standards Committee on 11th December, 2014, but it was suggested that a new more comprehensive procedure be introduced to ensure the Council fulfils its obligations under the Localism Act 2011.

The introduction of a new procedure would ensure greater transparency to the public about the way the Council dealt with complaints about Member behaviour and a copy of the new procedure was circulated for consideration. The introduction of a bespoke complaint form would also clarify the issues for both the complainant and the officers dealing with the complaint.

It was noted that the addition of a generic email address specifically for standards complaints would also be beneficial.

The Working Group welcomed the proposed procedures and the approach as outlined and suggested various minor amendments which should be incorporated into the final report submitted to the Standards Committee for approval.

Agreed:- That the proposed procedure be forwarded onto the Standards Committee for approval, subject to a few minor administrative

amendments.

15. DATE OF NEXT MEETING

Agreed:- That the next meetings be held on Thursday, 22nd October and Thursday, 19th November, 2015 at 2.00 p.m.

**STANDARDS COMMITTEE WORKING GROUP
Thursday, 19th November, 2015**

Present:- Councillor Beck (in the Chair); Mr. P. Beavers, Mr. P. Edler and Parish Councillor Rowley.

Apologies for absence were received from Councillors Finnie and Hughes.

20. MINUTES OF THE PREVIOUS MEETING HELD ON 22ND OCTOBER, 2015

Consideration was given to the minutes of the previous meeting held on 22nd October, 2015.

Agreed:- That the minutes be approved as a correct record.

21. STANDARDS COMMITTEE WORKING GROUP ACTIVITY UPDATE

Consideration was given to the report and appendices, which were circulated at the meeting, presented by Stuart Fletcher, Deputy Monitoring Officer, and outlined the work undertaken by the Standards Working Group between 16th July and 19th November, 2015.

The draft report of the Standards Committee was considered in detail and also made several recommendations to update and introduce new procedures as well as increasing the profile of the Standards Committee and it was hoped that these innovations would contribute to the development of healthier ethical standards as well as contributing to the corporate governance and improvement plan of the Council.

The Group looked in detail at each of the numbered areas of the report appendices as part of the draft report, which had been circulated, in turn.

1. The Group considered Appendix 1 (Standards Committee – Terms of Reference) and were in agreement with the wording subject to:-
 - No. 1 - in order for the high standards to be maintained the word to “commit” also be incorporated.
 - No. 14 - to make this more explicit that this related purely to complaints against Elected and Parish Members and not corporate complaints of the Council.
 - No. 18 - be re-written to now read “To consider reports arising from Ombudsman investigations and legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate.

- The incorporation of an additional item about the work plan and the annual report to Council.
2. Appendix 2 related to the ongoing development of the Standards Committee Work Plan. The Group were in agreement with the contents subject to the Annual Report moving for consideration into March, 2016 from December and for the wording in September to now read "Review reports arising from Ombudsman investigations, legal challenges and other sources".
 3. The Group were comfortable and agreed with the Model Code of Conduct (Appendix 3), but suggested the supplement from Commissioner Sir Derek Myers "A Healthy System of Democratic Leadership and Accountability" should clearly be identified as a voluntary supplement as the contents were not deemed enforceable.
 4. The Group agreed to a strapline statement of purpose rather than the adoption of a mission statement, which needed to be included at the top of the Terms of Reference.
 5. The Group confirmed the recommended name change to be "Standards and Ethics Committee".
 6. The Group welcomed the mock up pages for the new website and suggested there be views from the Independent Persons in order to raise the profile.
 7. The Group suggested the membership remained as it was currently, but wished to ensure the hearing panels established to consider complaints comprised of:-

One majority party elected member of the Borough Council
 One minority party elected member of the Borough Council
 One Parish Councillor
 Two Independent Members.

Of which the Chair of the hearing panel should be an Independent Member.

8. In terms of Appendix 4 the Group welcomed the streamlined procedure for hearing panels.

The Group also suggested it would be best practice for all dialogue/communication between the Monitoring Officer and the Independent Person(s) to be kept on record for audit purposes.

The Group also asked that the procedure be personalised to Rotherham.

9. The Group were confident that the Whistleblowing and Serious

Misconduct Policy 2015 was more transparent and had been added to the contents of the Annual Report, but should not be accessed by members of the public.

10. The Group welcomed the Annual Report as this would seek to raise the profile of the work of the Standards Committee and any further additions could be considered.

In conclusion Stuart Fletcher, Deputy Monitoring Officer, made reference to the Member/Officer Protocol that had been developed by the Lead Commissioner which would sit alongside the Member related procedures.

The Chairman wished to thank all involved with the work of the Group and the comprehensive review which had been undertaken.

Agreed:- That the Standards Committee receive the report and agree:-

1. The revised terms of reference for the Standards Committee.
2. The mission statement for the Standards Committee.
3. The name of the Standards Committee.
4. The membership of the Committee.
5. The procedure for investigation of, and decisions on, complaints.
6. A supplement to the model code of conduct.
7. To remain responsible for overseeing Ombudsman complaints, legal challenges and other sources.
8. That an annual work-plan for the Committee be produced.
9. That an annual report by the Committee be produced and publicised.
10. The review of, and suggested revisions to, the Council whistleblowing procedure.
11. That the work of the Committee be publicised more extensively.
12. That the website for the Committee be refreshed.

Summary Sheet

Standards Committee Report

Standards Committee 14th January 2016

Title

Update on the Handling of Complaints of possible Breaches of the Code of Conduct for Members

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal & Democratic Services, Riverside House, Main Street,
Rotherham .S60 1AE
Tel : 01709 823523

Catherine A. Parkinson, Interim Assistant Director Legal & Democratic Services and
Monitoring Officer Tel: 01709 255768

Ward(s) Affected

All

Executive Summary

A report updating the Committee on the Handling of Complaints of possible Breaches of the Code of Conduct for Members

Recommendations

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

List of Appendices Included

None

Background Papers

Code of Conduct

Papers held on file by the Monitoring Officer

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title Update on the Handling of Complaints of possible Breaches of the Code of Conduct for Members

1. Recommendations

1.1 That the Standards Committee

- i) notes the steps that have been taken to resolve the complaints received, as set out at paragraph 2 below and
- ii) notes the resolution of those complaints which have been concluded as set out at paragraph 2 below.

2. Background

- 2.1 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.
- 2.2 A complaint was received that a Borough Councillor had not followed appropriate procedures in a Council meeting, by not passing a resolution excluding press and public from the meeting. The complainant alleged that the member had thereby breached the Code of Conduct by bringing the officer of Councillor or the Council into disrepute.
- 2.3 Representations were received by the member in question and relevant documentary evidence was examined.
- 2.4 The views of the Independent Person were taken. He felt that on the balance of probabilities the appropriate resolution was passed. The Monitoring Officer considered these views and concurred with this conclusion and taking all of the circumstances of the complaint into account, decided that the complaint should not be investigated further. The complainant and member have been informed of this decision.
- 2.5 A complaint was received that a Parish Councillor made a derogatory comment that Standards Committee proceedings which he had been subject to were "a shambles" and a "kangaroo court".
- 2.6 The matter was referred to the Independent Person for his views who felt that there was little doubt that the words had been said, but that the Parish Councillor was acting in his personal capacity at the time and therefore the Code of Conduct was not invoked.
- 2.7 The Monitoring Officer concurred with this view and therefore the Complainant and Parish Councillor were written to informing them of this decision.
- 2.8 A complaint was received from a member of the public that a Parish Councillor was rude and threatening to him in a Parish Council meeting. The views of the Independent Person were requested and after reviewing the relevant evidence, which included listening to a recording of the relevant

Parish Council meeting, he concluded that there had been provocation of the Parish Councillor by the Complainant and that the remarks were made under duress.

- 2.9 As such the Independent Person felt that due to the circumstances of the case there should be no further investigation.
- 2.10 The Monitoring Officer concurred with this view and complainant and the Parish Councillor were written to informing them of this decision. The complainant has subsequently submitted further information in relation to this matter and asked that the issue be reviewed. Further the complainant has submitted a further complaint in relation to the same Parish Councillor and the Monitoring Officer is liaising with the complainant to try to fully establish the relevant issues in that matter. A further update on these matters will be provided at the next meeting.
- 2.11 A complaint has been received that a Parish Councillor called a member of the public corrupt in the presence of a number of other Parish Councillors and members of the public.
- 2.12 The views of the relevant Parish Councillor have been sought but none have been provided as yet. The details of the complaints have been forwarded to the Independent Person for his views as to whether further investigation of this matter is appropriate. A further update will be provided to the Committee at the next meeting.
- 2.13 A complaint has been received that a Councillor made inappropriate comments on a social network.
- 2.14 The views of the member were obtained and he stated that his comments were an error of judgement and that he was prepared to apologise to the complainant.
- 2.15 A letter of apology was sent by the member to the complainant. The issues concerning the complaint were discussed by the Monitoring Officer with the relevant member and the importance of the principles stated within the Code of Conduct reiterated.
- 2.16 As such the Monitoring Officer considers this matter to be concluded and the relevant Member and complainant have been informed of this decision.

3. Key Issues

- 3.1 The relevant issues within each complaint are set out above.

4. Options considered and recommended proposal

- 4.1 All relevant options as to the handling of the individual complaints set out above, were considered.

5. Consultation

5.1 Where appropriate, consultation has taken place with the Independent Person

6. Timetable and Accountability for Implementing this Decision

6.1 The handling of complaints of breaches of the Code of Conduct is ongoing. The Monitoring Officer is the responsible officer for this.

7. Financial and Procurement Implications

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

8. Legal Implications

8.1 The Council has a statutory duty to uphold ethical standards

9.0 Human Resources Implications

9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 The Code of Conduct applies equally to all members and co-opted members.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 It is the Standards Committee's responsibility to enforce the Code of Conduct. It is the Council's duty to promote 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.

14. Accountable Officer(s)

Catherine A. Parkinson, Interim Assistant Director Legal & Democratic Services and Monitoring Officer; Tel 01709 255768

Stuart Fletcher, Legal & Democratic Services, Riverside House, Main Street, Rotherham, S60 1AE Tel : 01709 823523

Approvals Obtained from:-

Interim Assistant Director Legal & Democratic Services and Monitoring officer
Catherine A. Parkinson

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee 14th January 2016

Title

Proposed Standards and Ethics Committee Work Plan 2016

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal & Democratic Services, Riverside House, Main Street,
Rotherham .S60 1AE
Tel : 01709 823523

Catherine A. Parkinson, Interim Assistant Director Legal & Democratic Services and
Monitoring Officer Tel: 01709 255768

Ward(s) Affected

All

Executive Summary

A report proposing a Work Plan for the Standards and Ethics Committee for the year 2016.

Recommendations

That the Standards and Ethics Committee consider and adopt the proposed Work Plan subject to any amendments made by the Committee.

List of Appendices Included

Proposed Work Plan

Background Papers

Overarching report of the Standards Committee Working Group.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title Proposed Standards and Ethics Committee Work Plan 2016

1. Recommendations

- 1.1 That the Standards and Ethics Committee consider and adopt the proposed Work Plan subject to any amendments made by the Committee

2. Background

- 2.1 A recommendation at the previous Standards Committee was that a Work Plan be introduced and followed by the Standards Committee. It was felt that this would ensure that the Standards Committee was more proactive and ensure that all of the items within its remit and specifically within the Committee's Terms of Reference were considered appropriately.
- 2.2 A draft work plan was considered at the previous meeting, in the context of the overarching report of the Standards Committee Working Group. A fuller suggested Work Plan is at Appendix 1. All of the items within the Terms of Reference are included in the Work Plan for 2016. This does mean however that there appears to be very full work programme for the Standards Committee over this period. The Committee is therefore asked to consider whether a review of all items over an annual period is appropriate, and whether such a review should take place over a longer period. Also while the proposed Work Plan does appear to be full, the Committee is asked to consider if there are any related matters which should be considered through the year.
- 2.3 Further the Committee is asked to consider the way in which the Work Plan is approached and the way in which the reviews as set out in the Work Plan are carried out. It was considered that the Standards Committee Working Group worked well in respect of its overarching review of the Standards Committee and the Committee is therefore asked to consider whether a similar arrangement would be useful to be involved in the work of the Standards Committee on an ongoing basis.

3. Key Issues

- 3.1 The relevant issues are set out above.

4. Options considered and recommended proposal

- 4.1 There is an option not to have a Work Plan for the Committee, but there would be a risk that all of the items in the Terms of Reference may not be appropriately considered by the Committee.
- 4.2 Further there is an option not have a Working Group involved in the work of the Standards and Ethics Committee.

5. Consultation

5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 The work as set out in the Work Plan would be carried out throughout 2016.

6.2 The Monitoring Officer would be accountable for ensuring that the appropriate work was carried out in accordance with the Work Plan.

7. Financial and Procurement Implications

7.1 Any work undertaken by the Monitoring Officer in dealing with this Work Plan is contained within the budget for Legal Services.

8. Legal Implications

8.1 The Council has a statutory duty to uphold ethical standards and as such the Work Plan contributes to this.

9.0 Human Resources Implications

9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 As stated above, there is an option not to have a Work Plan for the Committee, but there would be a risk that all of the items in the Terms of reference may not be appropriately considered by the Committee.

14. Accountable Officer(s)

Catherine A. Parkinson, Interim Assistant Director Legal & Democratic Services and Monitoring Officer; Tel 01709 255768

Stuart Fletcher, Legal & Democratic Services, Riverside House, Main Street, Rotherham, S60 1AE Tel : 01709 823523

Approvals Obtained from:-

Interim Assistant Director Legal & Democratic Services and Monitoring officer
Catherine A. Parkinson

**APPENDIX 1
STANDARDS COMMITTEE WORK PLAN: 2016**

Date	Update	Comments
10 th December 2015	Overarching Report of the Working Group Update from Monitoring Officer	
14 th January 2016	Update from Monitoring Officer Finalise Work Plan - 2016	
10 th March 2016	Training Plan Review of arrangements for declarations of interests for members Update from Monitoring Officer Annual Report	
9 th June 2016	Review the operation of the Whistleblowing Policy Review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct whilst not forming part of it. (ToR 18) Update from Monitoring Officer	

<p>September 2016</p>	<p>Review the Application of the Council's Standing Orders, Financial Regulations, contract arrangements and other such provisions.</p> <p>Review reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges</p> <p>Review the procedures for appointment of Council representatives to outside bodies and to make recommendations to the Council or the Cabinet as necessary (ToR 18).</p> <p>Update from Monitoring Officer</p>	
<p>December 2016</p>	<p>Update from Monitoring Officer</p> <p>Review the Code of Conduct and Supplementary documentation</p> <p>Review and comment upon the Council's procedures and codes of practice relating to public access to information, confidentiality and arrangements for data protection. (ToR 17)</p>	