

**STANDARDS AND ETHICS COMMITTEE
9th March, 2017**

Present:- Councillor McNeely (in the Chair); Councillors Allen, Ireland and Khan, Mr. D. Rowley and Mr. R. Swann (Parish Council Representatives) and also Ms. A. Dowdall, Mr. P. Edler and Ms. J. Porter (Independent Co-optees).

Along with Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

Apologies for absence were received from Councillor Simpson and Mr. D. Bates.

26. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

27. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH JANUARY, 2017

Consideration was given to the minutes of the previous meeting held on 12th January, 2017.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 12th January 2017 be approved as a true and correct record of the proceedings.

28. TRAINING FOR MEMBERS OF PARISH AND TOWN COUNCILLORS ON CODES OF CONDUCT AND STANDARDS AND ETHICS

Consideration was given to the report presented by Sumera Shabir, Solicitor, which provided an update on recent training provided to members of Parish and Town Councils which took place on the 8th February, 2017 on codes of conduct and standards and ethics generally.

The session comprised of a series of scenarios based on standards and ethics dilemmas; linked to the Nolan (Seven) Principles of Public Life and this was followed by a short presentation on standards and ethics arising in relation to codes of conduct.

Discussions covered the role of the Independent Persons, Borough Councillors and social media.

The training highlighted the need for good governance and general discussion was facilitated around transparency and use of websites.

Individual clerks (new and existing) were also invited to discuss their experiences and common strategies and it was agreed that it would be beneficial to arrange a further separate meeting could be convened with all the clerks; where the Monitoring Officer could offer support and facilitate new and existing clerks to form a network. This was currently being arranged at a suitable location.

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The training was very well received and it was suggested that future themes include:-

- Social media.
- Conflicts of interest.
- Planning.
- Local Government law generally.
- Chairing of meetings.
- Code of conduct.
- Running disciplinary and grievance panels.
- Advertising Parish and Town Council vacancies and the publishing of minutes and accounts.

Those members of the Committee that attended this training session were in full support of the format and suggested that further training sessions be arranged as it was clear some Parish Councils felt isolated, were not fully aware of the Code of Conduct or reporting procedures nor the role of the Independent Persons.

It was also suggested that the training format also be replicated in training sessions for Borough Councillors, with consideration as to whether an invitation could also be extended to Parish Councils. This may require further involvement at the Members' Training and Development Panel moving forward and lead to a further discussion between the Monitoring Officer and the Assistant Chief Executive.

The Committee were also advised that the Yorkshire Local Councils Association also conducted similar training packages for Parish Councils in York.

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

(2) That any further actions to be taken following the training session be identified and any future training initiatives to be undertaken with Parish and Town Councils be noted.

(3) That the Monitoring Officer discuss training and development opportunities with the Assistant Chief Executive.

29. STANDARDS AND ETHICS COMMITTEE WORKING GROUP RE CODE OF CONDUCT AND ASSOCIATED PROCEDURES

Consideration was given to the report presented by the Deputy Monitoring Officer, which updated the Committee on the progress of the Standards and Ethics Committee Working Group and its review of the Code of Conduct and associated procedures.

A meeting of the Working Group took place on 31st January, 2017 and following considerations of different versions of a simpler Code of Conduct which were used in other authorities, it was agreed that

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consultation should take place with the Lead Commissioner, Sir Derek Myers, about his views of the Code of Conduct and any associated revision.

It was the view of the Lead Commissioner that he could not support the removal of the addendum, that the Code of Conduct had been recently approved, and suggested a few additions which could be incorporated, such as apologies for absence, training, declarations of interests, disclosures, whistleblowing etc. He further stated that any dilution of the Code would have to be reported to the Secretary of State. Any such discussions on the Code should be directed to Commissioner Ney from the 31st March, 2017 following Commissioner Sir Derek Myers' departure.

The Working Group also viewed procedures for dealing with complaints about breaches of the code and it was suggested Rotherham's procedures needed to be revised.

The Committee took account of Commissioner Sir Derek's suggestions and could see the value particularly around declarations of interests, whistleblowing and the duty to maintain and promote ethical standards.

Resolved:- That the minutes of the Standards and Ethics Working Group held on 31st January, 2017 be noted.

30. STANDARDS BULLETIN (RECENT UPDATES IN STANDARDS AND ETHICS)

Consideration was given to the report presented by Sumera Shabir, Solicitor, which provided details of a bulletin reporting on recent and key updates in standards and ethics distributed by North Yorkshire Fire and Rescue Authority and it was suggested, following some discussion with the Committee, that something similar in Rotherham be distributed widely to members of Parish and Town Councils in Rotherham.

The merit and value of the contents of the bulletin were discussed and the updates on national matters were particularly welcomed as was the anonymised outcomes of complaints.

However, the Committee were mindful of the resource and cost implications for the production of such a detailed bulletin and whether a briefer version would be better for Rotherham distributed on a quarterly or annual basis.

On this basis it was suggested that a simplified version be produced and following consultation with the Chair of the Committee a bulletin be distributed to all Parish and Town Councils in Rotherham.

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

(2) That a simplified version be produced, in consultation with the Chair of the Committee, and for this to be distributed to all Parish and Town Councils in Rotherham for information.

31. REVIEW OF THE TERMS OF REFERENCE FOR STANDARDS AND ETHICS COMMITTEE

Consideration was given to the report presented by the Assistant Director, Legal Services (and Monitoring Officer) which confirmed a review of the Council's Constitution was currently taking place and the Council had already approved previous amendments to the Constitution at the Annual Meeting of Council in May, 2016 and at the meetings of Council on 7th December, 2016 and 25th January, 2017.

As part of the work of the Constitution Working Group an external review of the Council's Constitution was to be carried out by the Association of Democratic Services Officers and a report would be taken to the Annual Meeting of Council. The external review was a recommendation of the Governance Review Working Group. This, therefore, provided the opportunity for the Standards and Ethics Committee to consider the elements of the Constitution which set out its own terms of reference and to consider whether or not to invite the external reviewers to report on any appropriate amendments to the Constitution as it related to the Committee.

The report submitted also set out the relevant elements of the Constitution and identified elements that might be improved, which included duplication of the membership and terms of reference, out-of-date quorum, parish council responsibility for the arrangements for the breach of the code and further review of the procedures for handling complaints.

Discussion ensued on the membership/quorum of the Committee and the anomalies this has created as a result of legislation changes to the standards regime following the introduction of the Localism Act which prevented any independent members being equipped with voting rights.

Clarification was also sought on the outcome of the external review, which included any proposed changes to this Committee's terms of reference, reporting mechanisms back to the Constitution Working Group and then onto the Annual Council for adoption rather than back to the Standards and Ethics Committee for endorsement.

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

(2) That the issues identified be raised by the Monitoring Officer with the external reviewers to the Constitution.

32. STANDARDS COMPLAINTS UPDATE

The Assistant Director, Legal Services (and Monitoring Officer) submitted a report detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Co-opted Members. The report listed fourteen current cases of complaint and the action being taken in respect of each one.

The Committee discussed the cases highlighted within the submitted report.

The Deputy Monitoring Officer reported to the Committee that as part of the investigation of complaints that a panel to consider one case was required and nominations were sought.

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

(2) That the progress in respect of each case be noted.

(3) That a Panel of five members be arranged and include Councillor Khan or Yasseen, Councillor Simpson, Mrs. J. Porter, Mr. P. Edler and Mr. R. Swann (Parish Council Representative) and with Mr. D. Rowley (Parish Council Representative) in reserve.

33. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 8th June, 2017 at 2.00 p.m.