

STANDARDS AND ETHICS COMMITTEE
Thursday, 28th September, 2017

Present:- Councillor McNeely (in the Chair); Councillors Allen, Andrews, Brookes, and Mallinder, Mr. D. Bates, 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).

Also in attendance were Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

Apologies for absence were received from Councillors Ireland and Simpson and Mr. D. Pearson (Monitoring Officer).

42. DECLARATIONS OF INTEREST

Councillor Mallinder declared a personal interest in Minute No. 44 (Outcome of the Hearing) on the grounds that she was a Dinnington Ward Member.

43. MINUTES OF THE PREVIOUS MEETING HELD ON 29TH JUNE, 2017

Consideration was given to the minutes of the previous meeting held on 29th June, 2017.

Clarification was sought on Minute No. 40 (Consideration of Complaints) and the fourth paragraph and the interpretation.

The Deputy Monitoring Officer confirmed that the evidence requested was by the Secretary of State with regards to the sanctions and powers that Standards and Ethics Committees could impose for him to consider and review.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 29th June, 2017 be approved as a true and accurate record of proceedings.

44. OUTCOME OF STANDARDS AND ETHICS SUB COMMITTEE HEARING RE ALLEGED BREACH OF THE CODE OF CONDUCT

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which detailed the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 26th June 2017.

This hearing was in relation to an alleged breach of the Code of Conduct by Mr. Brian Lewis, Town Councillor for Dinnington St. John's Town Council.

Mr. Lewis refused to participate and left the room and the hearing continued in his absence. Details of the proceedings were outlined as set out in the report.

The Committee sought clarification on a number of points and were advised a meeting of the Town Council had not yet taken place for an apology by Mr. Lewis to be formally recorded in the minutes by the Clerk, how best to arrange the formality of the hearings and Mr. Lewis' understanding of proceedings.

The Committee requested that they be informed by e-mail before the next meeting, of what happens in respect of the recommendation that Mr Lewis apologise to the Town Council.

The Committee also discussed whether or not a hearing following an alleged breach of the Code of Conduct should be in public or private. The consensus was that these should be held in public with a caveat that the Sub-Committee reserved the right to hold hearings in private if appropriate.

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

(2) That any issues arising from this matter be considered.

45. TRAINING UPDATE AND REVISED STANDARDS BULLETIN (RECENT UPDATES IN STANDARDS AND ETHICS)

A copy of an article from 'Insight' magazine (Local Government Lawyer) by Mark Heath about the standards regime not working as intended was circulated to the Committee. Attention was brought to an email inbox collating views.

Consideration was given to the report and the appendices (Appendix 1 was circulated at the meeting) presented by Sumera Shabir, Solicitor, which provided an update on the future proposed training for members of Parish and Town Councils on codes of conduct and standards and ethics generally and a revised (shortened) version of the bulletin reporting on recent and key updates in standards and ethics.

The role play training as suggested would enable Town and Parish Councils to understand issues in relation to the Code of Conduct and standards generally. This form of training would promote self-awareness, provide strength and confidence for the Chair and provide the tools to understand the supportive structure for Parish and Town Councils.

Feedback following any training should be sought as part of the evaluation. It was also suggested that some element of equalities training could be supplemented to such a training session.

Whilst the benefit of a separate session for Parish Clerks using a different training method would be helpful, it was noted that separate training for Clerks was provided by the Yorkshire Local Councils' Association. It was, therefore suggested that some liaison take place with them to see what training was currently offered to avoid duplication.

The venues and arrangements for future training were yet to be confirmed, but the Committee considered whether it would be appropriate to extend invitations to Ward Councillors who were local to the venue and members of the Standards Committee and members of the Council's regulatory boards (Planning Board) itself; where relevant.

Turning attention to the circulated Standards and Ethics Bulletin the Committee were happier with the condensed version with links to the relevant subjects. It was suggested that this be circulated to members of this Committee, all Borough Councillors and Parish and Town Councils with a brief explanatory note about the bulletin, its content and the reason for its circulation.

The Committee asked for the view of the Cabinet Member of Neighbourhood Working and Cultural Services to be sought prior to any publication of the bulletin on the Council's website.

The Committee was also notified about a consultation regarding the disqualification criteria for councillors and mayors – the deadline being 8 December 2017. It was agreed that all Committee Members, Borough Councillors and Parish Councillors would be notified about this via email (with a brief explanation) so that they could make any representations. The Chair requested a hard-copy of the consultation.

Resolved:- (1) That the information about upcoming training sessions be noted.

(2) That any future training initiatives to be undertaken with Parish and Town Councils be identified and forwarded on to the relevant officers.

(3) That the revised version of the bulletin be distributed to Borough Councillors and Parish and Town Councils in Rotherham and this be published on the Council's website following consultation with the relevant Cabinet Member.

(4) That all Committee Members, Borough Councillors and Parish Councillors be notified about the consultation regarding the disqualification criteria for councillors and mayors via email.

46. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and Appendix 1 (which was circulated at the meeting) presented by Stuart Fletcher, Deputy Monitoring Officer, which provided detail of the concerns raised pursuant to the

Whistleblowing Policy and the actions taken to address these matters.

In considering the concerns raised it was noted some of these related to H.R. matters and the Committee, therefore, questioned whether or not the Standards and Ethics Committee was the appropriate forum for their presentation, given the belief that some of these matters were outside the remit of the Localism Act.

On this basis the Chair volunteered to speak to the Monitoring Officer and the Democratic Services Manager with a view to this issue being considered by the Constitution Working Group to determine the appropriate forum to avoid any undue duplication with other committees.

Whilst it was acknowledged overseeing the Whistleblowing Policy was within the terms of reference of this Committee, Members did not want certain issues to be missed if they were under the remit of others and would like to be aware of any emerging trends of concerns.

Resolved:- That the Whistleblowing concerns raised since September, 2016 and the actions taken to address these matters be noted.

(2) That the Chair take forward the Committee's concerns and discuss this further with the Monitoring Officer and Democratic Services Manager with a view to this being considered at the Constitution Working Group.

47. CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by Stuart Fletcher, Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed thirteen current cases of complaint (eight relating to the same Council) and the action being taken in respect of each one.

The Committee suggested removal of the conclusion column on the spreadsheet as these were removed from subsequent updates.

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

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

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

(3) That a Sub-Committee be arranged as soon as possible comprising Councillor Allen (Chair), Councillor Mallinder, Richard Swann – Parish Council Representative, and Mr. P. Edler and Mrs. J. Porter – Independent Co-optees.

48. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 11th January, 2018 at 2.00 p.m. at the Town Hall.