

STANDARDS AND ETHICS COMMITTEE

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

Date: Thursday, 18 January 2018

Time: 10.00 a.m.

A G E N D A

1. Apologies for Absence.
2. Declarations of Interest.
3. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
4. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
5. Minutes of the previous meeting held on 28th September, 2017 (herewith) (Pages 1 - 5)
6. Outcome of Standards and Ethics Sub Committee Hearing re Alleged Breach of the Code of Conduct (report herewith) (Pages 6 - 14)
7. Review of the Standards and Ethics Sub-Committee Hearing "Order of Proceedings" (report herewith) (Pages 15 - 21)
8. Review of Concerns raised pursuant to the Whistleblowing Policy (report herewith) (Pages 22 - 27)
9. Consideration of Complaints (report herewith) (Pages 28 - 33)
10. Date and Time of Next Meeting - Thursday, 8th March, 2018 at 2.00 p.m.



S. KEMP,
Chief Executive.

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.

STANDARDS AND ETHICS COMMITTEE - 28/09/17

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.

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting - 18th January 2018

Title

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct

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, Service Manager (Commercial and Property), Legal Services,
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Tel : 01709 823523

Dermot Pearson, Assistant Director, Legal Services, Riverside House, Main Street,
Rotherham S60 1AE
Tel : 01709 255768

Ward(s) Affected

All

Executive Summary

This report sets out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 15th November 2017 in relation to an alleged breach of the Code of Conduct for Members by Cllr Robert Bird.

Recommendations:

It is recommended that the Standards and Ethics Committee:

- (i) Consider the recommendations of the Sub-Committee made at the hearing.
- (ii) Impose those sanctions which the Committee considers appropriate

List of Appendices Included

Decision Record - Redacted

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title:

Outcome of Standards and Ethics Sub Committee Hearing re Alleged Breach of the Code of Conduct

1. Recommendations

It is recommended that the Standards and Ethics Committee:

- (i) Consider the recommendations of the Sub-Committee made at the hearing.
- (ii) Impose those sanctions which the Committee considers appropriate

2. Background

- 2.1 A hearing of the Standards and Ethics Committee Sub-Committee took place on the 15th November 2017. The Decision Record in respect of the hearing is at Appendix 1. The Decision Record is redacted in respect of the Complainant's personal information at the request of the complainant.
- 2.2 Members are asked to consider the content of the Decision Record, the outcome of the hearing and in particular the recommendation of the Sub-Committee that the Subject member be censured by the Standards and Ethics Committee at its next meeting.

3. Key Issues

- 3.1 The key issues are set out above.

4. Options considered and recommended proposal

- 4.1 All relevant options in respect of available sanctions were considered by the Sub-Committee.

5. Consultation

- 5.1 One of the Standards and Ethics Committee Independent Persons was consulted in respect of this complaint and the other Independent Person was in attendance at the hearing.

6. Timetable and Accountability for Implementing this Decision

- 6.1 N/A

7. Financial and Procurement Implications

- 7.1 The officer time in dealing with this complaint is met within existing Legal Services resources.

8. Legal Implications

8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE

**RECORD OF THE DECISION OF THE COMPLAINTS SUB-COMMITTEE
MEETING HELD ON 15 NOVEMBER 2017**

SUBJECT MEMBER Councillor Robert Bird [Rotherham MBC] [in attendance]

COMPLAINANT Mr A [in attendance]

THE COMPLAINTS SUB-COMMITTEE

Councillor Allen (Rotherham MBC) (in the Chair)
Councillor Simpson (Rotherham MBC)
Councillor R Swann (Woodsetts Parish Council)
Mr P Edler (Independent Co-opted Member)
Ms J Porter (Independent Co-opted Member)

INDEPENDENT PERSON

Mr Phil Beavers

ROTHERHAM MBC OFFICERS

Dermot Pearson (Monitoring Officer)
Stuart Fletcher (Investigating Officer)
Debbie Pons (Democratic Services)
Sumera Shabir (Legal Services)

The Complaint

The Investigating Officer presented his investigation report to the Sub-Committee (the Panel).

The Complainant was the applicant for a premises license under the Licensing Act 2003, in respect of the premises known as the Sportsman Inn, 55 Broad Street, Parkgate, Rotherham. The application was for a themed public house for which the objective was to create a safe and gender friendly environment for the LGBT and fetish community and was determined by the Licensing Sub-Committee at its meeting at Rotherham Town Hall on 4 May 2017.

The Complainant submitted a written complaint about the conduct of the Subject Member at that meeting and said that the Subject member had made a comment ("not in my back yard") which the Complainant found to be "highly offensive gender-phobic and homophobic". The complaint was received on 17 May 2017 and the Subject Member was invited to submit a response which was received on 30 May

2017. In his response the Subject Member said that his comment about “not in my back yard” was made in connection with the excessive proposed opening hours and refuted any suggestion that he was homophobic or gender-phobic.

The views of the Independent Person [Mr David Roper-Newman (DRN)] were sought and as a result further clarification was sought from the Subject Member as to the capacity in which he had attended the meeting. The issue being that the *Code of Conduct for Members and Co-opted Members* would not apply to a councillor acting in a purely private capacity. Given the uncertainty on that issue the Monitoring Officer referred the matter for a Hearing.

The Investigating Officer’s Presentation

The Investigating Officer took the Sub-Committee through the complaint form, the response from the Subject Member, the views of the Independent Person [DRN], the further clarification from the Subject Member, the minutes of the meeting of the Licensing Sub-Committee held on 4 May 2017, the Democratic Services Officer’s notes of the meeting and the officers’ report for the premises licence application.

The Investigating Officer referred the Sub-Committee to the following parts of the Code of Conduct for Members and Co-Opted members:

Scope

- 2 *(1) Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you –*
 - (a) conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or*
 - (b) act, claim to act or give the impression you are acting as a representative of the Council.*

- 3 *(1) You must treat others with respect.*
 - (2) You must not:-*
 - (a) do anything which may cause the Council to breach any of the equality duties;*

- 5 *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

The Evidence of the Complainant

The Complainant’s evidence was that he had assumed the councillors who attended the Licensing Sub-Committee to object, including the Subject Member, were attending as councillors. They had been contacted for their views as councillors and attended as councillors to object on behalf of local people. No-one else was

objecting and there had been notices and an advertisement. His premises closed earlier than other premises. The Subject Member had even said that he knew he “wasn’t supposed to say it”, making it wrong in itself. The closing time was brought earlier to 12:30am in any event and people who could have objected on the grounds of noise had not done so and the licensing application had been duly advertised.

Upon questioning by the Panel, the Complainant confirmed that the 12:30am closing time applied every night, that the school and the nursing home had been contacted with an offer to reduce the music volume if necessary and there were no youth related anti-social behaviour issues. He said that due to the premises being LGBT friendly customers would drive to them and so would often not be drinking and confirmed that there would be DJs at the premises but not live bands. He was asked whether he took the comment personally and said that it was aimed at his customers.

The Subject Member did not wish to question the Complainant.

The Evidence of the Subject Member

The Subject Member spoke about his background as a worker in the steel industry and his role as a senior official in the Iron and Steel Trades Confederation. He explained the work he had done in his trade union role over the years in promoting respect, dignity, equality and diversity. The Subject Member referred to his move back to Rawmarsh from his role with the ISTC in South Wales, his standing for election and his work as a councillor on community cohesion and with voluntary and community sector organisations in Rawmarsh and Parkgate.

He confirmed that no residents had complained to him about the licensing meeting, but that he and Councillor Sheppard had objected to the proposed 2am closing time and that he was concerned about the premises’ proximity to the home for the elderly and the likelihood of noise disturbance from the slamming of doors.

The Subject Member spoke about his “not in my back yard” comment and said he was referring to the proximity of the premises to his home, which was half a mile away.

Upon questioning by the Panel and the Independent Person [Mr Beavers] the Subject Member was asked why he had prefaced his remarks by saying “I know I shouldn’t say this...” and replied that he was referring to the proximity of the premises.

He was also asked about his comment that he did not have any problem with people doing whatever they want to do in their homes and whether he would have made the same comment about a different community [ie not the LGBT community]. The Subject Member said he would have made the same comments about a different community as his objection was about opening hours.

The Subject Member was also questioned about the capacity in which he had attended the meeting of the Licensing Sub-Committee and he accepted that he and Councillor Sheppard had not made it clear that they were not attending as

councillors and referred to no objections having been made to him as a ward councillor. He confirmed that he had not attempted to have the minutes of the Licensing Sub-Committee meeting amended so as not to refer to him as a councillor.

Summary

The Investigating Officer summarised the matters before the Sub-Committee.

The parties were invited to sum up and the Subject Member said that it had been a naïve comment on his part and the Complainant said he had nothing to add.

The Findings of the Sub-Committee

The Sub-Committee considered whether the Code of Conduct applied to the Subject Member's conduct at the Licensing Sub-Committee meeting on 4 May 2017 and concluded that the Subject Member was conducting the business of the office of a councillor by acting as a ward councillor. The Subject Member was therefore acting in an official capacity and was subject to the Code of Conduct for Members and Co-Opted Members when he made the "not in my back yard" comment. In doing so they had regard to the views of the Independent Person and took into account the following matters:

- The Subject Member had made no clear expression to the Licensing Sub-Committee that he was attending as a private individual rather than as a ward councillor.
- Councillor Sheppard's formal consultation response email of 10 April 2017 said "myself and Cllr Bird would like to make a representation ..." and was copied to the Subject Member at his Council email address.
- The minutes of the Licensing Sub-Committee meeting refer to the Subject Member as a councillor and he had not taken the opportunity to challenge the accuracy of the minutes.
- Given that the Subject Member lived half a mile from the premises the impact on him as a private individual would be very limited.
- A member of the public attending the Licensing Sub-Committee meeting would have come away with the clear impression that the Subject Member was there as a councillor.

The Sub-Committee went on to consider whether by his conduct the Subject Member had breached of the Code of Conduct for Members and Co-Opted Members and, having regard to the views of the Independent Person, concluded that his remark was highly offensive and he had breached the Code by failing to treat others with respect. In doing so they took account of the following matters:

- Although the Subject Member had given evidence that his concern was about opening hours his comments that he did not have any problem with people doing whatever they want to do in their homes suggested that he would have treated an application for premises which were not intended to cater for the LGBT community differently.

- The Subject Member's various comments at the Licensing Sub-Committee meeting, including his "not in my back yard", "I know I shouldn't say this", "I think part of my problem is that there are areas of Sheffield and Doncaster where this sort of establishment could go without anybody noticing" indicated that the Subject Member had a degree of discomfort with the nature of the premises which went beyond the proposed opening hours. His comments were offensive and showed a lack of respect to the LGBT community for whom the premises cater. The Subject Member had failed to act impartially and treated the application differently because the premises were LGBT friendly.

Given that he was not a member of the Licensing Sub-Committee and therefore not a decision maker the Sub-Committee did not find that the Subject Member had done anything which might cause the Council to breach any of the equality duties.

The Sub-Committee found that he had brought the office of councillor into disrepute because of the implication in his comments at the Licensing Sub-Committee meeting that premises catering to the LGBT community should be treated differently when the Council is making licensing decisions.

The Sub-Committee considered whether, as set out in the complaint, the "not in my back yard" complaint was homophobic and gender-phobic. They found that there was insufficient evidence to support such a finding and that it was not clear to what extent the Subject Member's discomfort with the application related to the fetish theme rather than issues of sexual orientation or gender.

The Decision of the Sub-Committee

In the light of their findings the Sub-Committee resolved to recommend that the Standards & Ethics Committee censure the Subject Member at its next meeting and that its findings and decision should be published on the agenda of the next meeting of that Committee.

Signed: D. Pearson for [Chair of Sub-Committee]

Dated: 29th November 2017

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting 18th January 2018

Title : Review of the Standards and Ethics Committee Order of Proceedings for Sub-Committee Hearings

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)

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Tel : 01709 823523

Dermot Pearson, Assistant Director, Legal Services, Riverside House, Main Street,
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Ward(s) Affected

All

Executive Summary

A report to consider the Procedure used at Standards and Ethics Committee Sub-Committee hearings, in respect of allegations of breaches of the Members Code of Conduct.

Recommendations

That the Committee

- i) Consider the Order of Proceedings document currently used.
- ii) Make any appropriate suggestions to improve the Order of Proceedings.

List of Appendices Included

Appendix 1 - Sub-Committee Hearing – Order of Proceedings

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title : Review of the Standards and Ethics Committee Order of Proceedings for Sub-Committee Hearings

1. Recommendations

That the Committee

- i) Consider the Order of Proceedings document currently used.
- ii) Make any appropriate suggestions to improve the Order of Proceedings

2. Background

2.1 Members will be aware that there have recently been two Sub-Committee hearings in respect of allegations of breaches of the members Code of Conduct. The outcome of one of those hearing is reported to this meeting of the Committee and the outcome of the previous hearing was reported to the previous meeting of the Committee.

2.2 The procedure known as the “Order of Proceedings” used at the hearing itself is at Appendix 1. While it is considered that the hearings proceeded satisfactorily Members are asked to comment on the Order of Proceedings and suggest any improvements.

2.3 Clearly those members who attended the hearings referred to above will be well placed to comment on the Order of Proceedings, but comments from any Members of the Committee will be welcomed based on Members attendance at previous hearings, or Members other experiences of Procedures of a similar nature.

2.4 One issue that has arisen following the the most recent Sub-Committee hearing is whether it would be appropriate for the hearing process to include a formal step of asking the complainant about their desired outcome. Members views as to whether this would be beneficial are sought.

3. Key Issues

3.1 The key issues are set out above

4. Options considered and recommended proposal

4.1 Recommendations are set out above.

5. Consultation

5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 None at this stage

7. Financial and Procurement Implications

7.1 None

8. Legal Implications

8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Appendix 1

Sub-Committee Hearing – Order of Proceedings

Standards Committee – Hearings Panel

ORDER OF PROCEEDINGS

INTRODUCTION

The Chair will introduce herself, the members of the Panel, the Independent Person, the Monitoring Officer and the Democratic Services Officer.

The Chair will then explain that the Panel will hear the evidence (if any) from both parties i.e. the representative of the Monitoring Officer (“the Investigating Officer”) and then the member who is the subject of the complaint (“the Subject Member”).

The Investigating Officer will introduce the officers present and any witnesses.

The Subject Member will introduce himself and any person with him either to support the Subject Member or give evidence on his behalf.

PRESENTATION OF THE CASE BY THE INVESTIGATING OFFICER

The Investigating Officer will explain the nature of the complaint and the investigation and then call each witness individually.

Each witness will answer questions from the Investigating Officer.

The Subject Member can ask any relevant questions of the Investigating Officer or witness.

The members of the Panel can ask any relevant questions of the Investigating Officer or witness.

The Investigating Officer can ask any questions of the witness to clarify any confusion or uncertainty which may have arisen as a result of the earlier questions.

PRESENTATION OF THE CASE BY THE SUBJECT MEMBER

The Subject Member will explain the nature of his case i.e. which findings of fact in the investigation he disagrees with, and why. He will then present each witness he intends to call on his behalf.

Each witness will answer questions from the Subject Member.

The Investigating Officer can ask any relevant questions of the Subject Member’s witness.

The Subject Member or any witnesses will answer questions from the Panel members.

Each witness can be asked further questions by the Subject Member to clarify any confusion or uncertainty that has arisen from the earlier questioning.

CLOSING SUBMISSIONS

The Investigating Officer will summarise the most important points of her case and request that the Panel make a determination.

The Subject Member will summarise the most important points of his case and request the Panel to consider these.

The Chair will ask all parties to leave the room whilst the Panel, advised by the Independent Person and the Monitoring Officer, considers the matter.

The parties will be invited to return in order to hear the Panel's decision.

FURTHER ACTION

If the Panel determines that the Subject Member has breached the Code of Conduct, it will invite the Investigating Officer and the Subject Member to address it on any action that it might take. The parties will again be asked to leave the room. They will be invited to return in order to hear the Panel's decision on the action to be taken.

(Note: the procedure set out above will be adapted to suit the circumstances of the case, e.g. if there are no witnesses to be called to give evidence, certain parts of the procedure will not apply).

Summary Sheet

Standards and Ethics Committee Report

Standards and Committee 18th January 2018

Title

A Review of Concerns raised pursuant to the Whistleblowing Policy

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, Service Manager (Commercial and Property), Legal Services,
Riverside House, Main Street, Rotherham S60 1AE
Tel : 01709 823523

Dermot Pearson, Assistant Director Legal Services, Riverside House, Main Street,
Rotherham S60 1AE

Ward(s) Affected

All

Executive Summary

A report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

Recommendations

- i) That the Committee notes the Whistleblowing concerns raised over the previous year and the actions taken to address these matters.

List of Appendices Included

Appendix 1 – Schedule of Whistleblowing Concerns

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title

A Review of Concerns raised pursuant to the Whistleblowing Policy

1. Recommendations

1.1 That the Committee notes the Whistleblowing concerns raised over the previous year and the actions taken to address these matters.

2. Background

2.1 This report provides an overview of the Whistleblowing cases which have been received over the past year.

2.2 A description of the concerns received over the past year, along with the relevant action to address these matters is at Appendix 1. This is appropriately anonymized in order not to identify the whistleblower, pursuant to the policy in respect of confidentiality.

3. Key Issues

3.1 Matters reported are described within Appendix 1. It is important for there to be oversight of matters being reported pursuant to the Whistleblowing Policy.

4. Options considered and recommended proposal

4.1 Recommendations have been referred to above.

5. Consultation

5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 N/A

7. Financial and Procurement Implications

7.1 Any work undertaken by Legal Services in dealing with these matters is within the budget for Legal Services.

8. Legal Implications

8.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangements for dealing with concerns raised through the policy.

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 Whistleblowing Policy is available to all employees, workers and contractors of the Council.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 There is a risk that if serious misconduct is not reported pursuant to the Whistleblowing Policy, serious issues will not be appropriately investigated and addressed.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting 18th January 2018

Title

Standards and Ethics Committee - Consideration of Complaints

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)

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Ward(s) Affected

All

Executive Summary

A report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

List of Appendices Included

Appendix 1 – Schedule of Complaints and actions taken

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The Appendix to this report will 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).

Title

Standards and Ethics Committee - Consideration of Complaints

1. Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

2. Background

2.1 A Schedule of complaints received and actions taken in respect of those complaints is at Appendix 1.

2.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

3. Key Issues

3.1 The nature of each complaint is set out in the Schedule at Appendix 1. Any common themes arising from the Committee's overview of complaints should be identified. Further the members of the Committee may make suggestions in relation to means of addressing common issues which arise in the complaints.

4. Options considered and recommended proposal

4.1 Options for dealing with the complaints are set out in the Complaints procedure and the action taken in respect of each complaint is set out in the Schedule.

5. Consultation

5.1 One of the Standards and Ethics Committee Independent Persons is consulted in respect of each complaint.

6. Timetable and Accountability for Implementing this Decision

6.1 N/A

7. Financial and Procurement Implications

7.1 The officer time in dealing with these complaints is met within existing Legal Services resources.

8. Legal Implications

8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and

arrangements for the investigation of allegations of breach of the Code of Conduct.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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