

STANDARDS AND ETHICS COMMITTEE
Tuesday, 1st May, 2018

Present:- Councillor McNeely (in the Chair); Councillors Allen, Andrews and Simpson and Mr. R. Swann (Parish Council Representative) and Mr. P. Edler (Independent Co-opted Member).

Also in attendance was Mr. P. Beavers, Independent Person.

Apologies for absence were received from Councillors Brookes, Ireland and Mallinder, Mr. D. Bates and Mr. D. Rowley (Parish Council Representatives), Mr. D. Roper-Newman (Independent Person) and Mrs. A. Dowdall and Mrs. J. Porter (Independent Co-opted Members).

57. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

58. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the appendices for Minute Nos. 65 and 66 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

59. MINUTES OF THE PREVIOUS MEETING HELD ON 18TH JANUARY, 2018

Consideration was given to the minutes of the previous meeting held on 18th January, 2018

Reference was made to Minute No. 52 (Outcome of Standards and Ethics Sub-Committee) and the need for training with Members on official capacity declarations. This would be actioned with the Democratic Services Manager in the new municipal year.

With regards to Minute No. 54 (Review of Concerns) it was noted that no recommendations had yet been received from Government.

Sub-Committee Hearings in relation to Minute No. 55 (Consideration of Complaints) would be arranged immediately following confirmation of the membership at Annual Council. With regards to (4) the Monitoring Officer would report back on future training sessions that incorporated social media issues.

Resolved:- (1) That the minutes of the meeting of the Standards and Ethics Committee held on 18th January, 2018 be approved as a true and

accurate record of proceedings.

(2) That actions arising be reported back to the next meeting of the Standards and Ethics Committee.

60. REVIEW OF THE STANDARDS AND ETHICS COMMITTEE ORDER OF PROCEEDINGS FOR SUB-COMMITTEE HEARINGS

Further to Minute No. 53 of the meeting held on 18th January, 2018 consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which detailed the amendments which have now been incorporated into the Amended Order of Proceedings attached at Appendix 1.

In considering the amended Order of Proceedings, the Committee were asked if they wished to make any further suggestions for amendments and then approve the final version of the Order of Proceedings document.

Resolved:- That the final version of the Order of Proceedings, as submitted, be approved.

61. STANDARDS BULLETIN

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, including the Standards bulletin prepared by North Yorkshire County Council (NYCC) for consideration by the Committee, and further circulation if appropriate.

Discussion ensued on accessibility of the information links, the appropriateness of parliamentary information, frequency of circulation and on the need to include Rotherham specific information prior to wider circulation.

Resolved:- (1) That the contents of the bulletin be noted.

(5) That the bulletin be amended to include Rotherham specific information and distributed to Members and Parish and Town Councils in Rotherham.

62. THE MEMBERSHIP OF THE STANDARDS AND ETHICS COMMITTEE AND THE APPOINTMENT OF INDEPENDENT PERSONS

Consideration was given to the report presented by Dermot Pearson, Monitoring Officer, which detailed the need for a review and refresh of the current membership of the Standards and Ethics Committee along with the arrangements and re-appointment of the Council's Independent Persons.

The current members of the Committee were appointed by the Council at its Annual Meeting in May, 2017. However the original four year terms of office of the representatives of Town and Parish Councils expired in 2017 and the terms of office of three of the Independent Members expired in 2016. It was, therefore, timely to invite the Town and Parish Councils in the Borough to nominate fresh representatives and for the current representatives to be re-appointed by Council pending new nominations.

On the previous occasion the Town and Parish Councils selected their nominees by a ballot of all Town and Parish Councillors, but the mechanism for selecting the nominees would be a matter for the Town and Parish Councils. It was suggested that this be raised at the next meeting of the Parish Council Network Meeting and an item placed on their agenda for consideration with the Chair and the Monitoring Officer attending.

Similarly, the Independent Co-opted Members of the Committee were appointed by the Council and it was timely for the Committee to review its independent membership given the current long term vacancy and appointments made in due course.

The Council had also previously appointed two Independent Persons, who were not members of the Committee, but their terms of office expired in 2017. It was now a matter of some urgency that Council make arrangements to re-appoint the current Independent Persons retrospectively or to appoint new Independent Persons to enable the Council to hold Hearings Panels in compliance with the statutory requirements.

It was noted the Council's Constitution Working Group was reviewing the Council's Constitution and that work would include the terms of reference of this Committee.

Discussion ensued on the role, value and knowledge of the Independent Members and the merits of their roles continuing. It was also noted that with the all-out elections in 2020 nominated representatives of Town and Parish Councils may be affected should they not be re-elected. It was, therefore, suggested that their terms of office expire to coincide with the elections and a re-election process then take place for four year terms.

Resolved:- (1) That the Council be asked to confirm the appointment of the current Town and Parish Council representatives until further nominations were received.

(2) That the Town and Parish Councils in the Borough be invited to nominate three representatives who were members of a Town or Parish Council to be members of the Committee until May, 2020.

(3) That Council be asked to confirm the appointment of the current Independent Co-opted Members of the Committee until the end of the

2018/19 municipal year.

(4) That Council be asked to confirm the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

63. STANDARDS AND ETHICS COMMITTEE WORK PLAN

Consideration was given to a report presented by Stuart Fletcher, Deputy Monitoring Officer, which set out the draft Work Programme for the Standards and Ethics Committee for the period June, 2018 to December, 2019.

The Committee considered the detail of the Work Programme and suggested that the review of procedures for appointment to outside bodies should take place sooner in the calendar in order to coincide with the decisions made by Cabinet. This should be moved to March, 2019.

In terms of the Training Plan in June, 2018, it was suggested that some consideration be given to linking training to an existing Parish Council Meeting, natural demographic areas to group training for several Parish Councils, to training already taking place with the Yorkshire Local Councils' Association and for information to be shared via the Parish Council Network Group.

Whilst it was noted that some detail on the Work Programme extended beyond the next municipal year, it was helpful to be aware of what had been considered and when.

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

(2) That the finalised Work Programme for the period June, 2018 to September, 2019 be approved, subject to the amendments above.

(3) That the Chair and Monitoring Officer attend a meeting of the Parish Council Network Group at a date/time to be confirmed.

64. CONSULTATION BY COMMITTEE ON STANDARDS IN PUBLIC LIFE - REVIEW INTO ETHICAL STANDARDS IN LOCAL GOVERNMENT

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which detailed the circulated consultation document by the Committee on Standards in Public Life and its review of local government ethical standards running from 29th January, 2018 to 18th May, 2018.

The terms of reference for the review were to:-

- Examine the structures, processes and practices in local government in England for:-
 - Maintaining codes of conduct for local councillors.
 - Investigating alleged breaches fairly and with due process.
 - Enforcing codes and imposing sanctions for misconduct.
 - Declaring interests and managing conflicts of interest.
 - Whistleblowing.
- Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.
- Make any recommendations for how they can be improved.
- Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

Given the short timeframe for the consultation submission it was suggested that a small working group consider the consultation in detail, but that comments be welcomed from all members of the Committee for inclusion.

Resolved:- That the consultation document herewith be considered by a small working group on Friday, 11th May, 2018, to formulate a response for submission and that any other comments be invited and submitted in writing for consideration before this date.

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

Consideration was given to the report and appendix presented by Dermot Pearson, Monitoring Officer, which provided an overview of the Whistleblowing cases which have been received over the past year.

The appendix to the report set out clearly the description of the concerns received and action.

It was noted that the Constitution Working Group would consider the most appropriate avenue for oversight of matters being reported under the Whistleblowing Policy.

The Committee welcomed the report and considered the reported matters in detail. However, reference was made to concerns relating to academies and the most appropriate place for reporting. Liaison would take place with relevant officers to ascertain.

Resolved:- (1) That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

(2) That the Deputy Monitoring Officer liaise with School Organisation colleagues to ascertain reporting routes for whistleblowing concerns from Academies.

66. STANDARDS AND ETHICS COMMITTEE - 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 the current cases of complaint and the action being taken in respect of each one.

Details of each related case and recommended outcome were highlighted, some of which required the arrangement of a sub-committee hearing. It was suggested that these be arranged as soon as possible and possibly on the same day to aid diary management for panel members.

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

(2) That the progress in respect of each case be noted pursuant to the Standards and Ethics Committee Complaints Procedure.

67. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 14th June, 2018 at 2.00 p.m. at the Town Hall.