

## **STANDARDS AND ETHICS COMMITTEE**

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

**Date: Tuesday, 1 May 2018**

**Time: 2.00 p.m.**

### **A G E N D A**

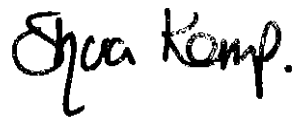
1. Apologies for Absence.
2. Declarations of Interest.
3. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Agenda Items 11 and 12 have exempt appendices. Therefore, if necessary when considering those items, the Chair will move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

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 18th January, 2018 (herewith) (Pages 1 - 4)
6. Review of the Standards and Ethics Committee Order of Proceedings for Sub-Committee Hearings (report herewith) (Pages 5 - 10)
7. Standards Bulletin (herewith) (Pages 11 - 20)
8. The Membership of the Standards and Ethics Committee and the Appointment of Independent Persons (report herewith) (Pages 21 - 25)
9. Standards and Ethics Committee Work Plan (herewith) (Pages 26 - 31)

10. Consultation by Committee on Standards in Public Life re. Review into Ethical Standards in Local Government (report herewith) (Pages 32 - 40)
11. A Review of Concerns raised pursuant to the Whistleblowing Policy (report herewith) (Pages 41 - 46)
12. Standards and Ethics Committee - Consideration of Complaints (report herewith) (Pages 47 - 51)
13. Date and Time of Next Meeting - Thursday, 14th June, 2018 at 2.00 p.m.

A handwritten signature in black ink, appearing to read 'S. Kemp'.

**S. KEMP,**  
Chief Executive.

**STANDARDS AND ETHICS COMMITTEE**  
**18th January, 2018**

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

Apologies for absence were received from Councillor Andrews, Ms. A. Dowdall (Independent Co-optee), Mr. R. Swann (Parish Council Representative) and Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

**49.       DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**50.       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. 54 and 55 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.

**51.       MINUTES OF THE PREVIOUS MEETING**

Consideration was given to the minutes of the previous meeting held on 28<sup>th</sup> September, 2017.

Reference was made to Minute No. 44 (Outcome of Standards and Ethics Sub-Committee) and the alleged breach of the Code of Conduct by Mr. Brian Lewis, Town Councillor for Dinnington St. John's Town Council. Having referred this back to the Town Council Mr. Lewis had refused to apologise for his conduct and was unwilling to participate in any further training.

The Committee expressed their concern at the lack of available sanctions under the Localism Act and unanimously agreed to forward a further letter via the Chair to the Secretary of State strengthening their argument. They wished to cite this case as an example as to how the weak sanctions imposed were ignored and, could not be enforced.

**Resolved:-** (1) That the minutes of the meeting of the Standards and Ethics Committee held on 28<sup>th</sup> September, 2017 be approved as a true and accurate record of proceedings.

(2) That on behalf of the Committee the Chair write to the Secretary of State, citing the hearing outcomes, to reaffirm the weak sanctions that could be imposed under the standards regime within the Localism Act.

**52. 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 15<sup>th</sup> November 2017 in relation to an alleged breach of the Code of Conduct for Members by Councillor Robert Bird.

The Committee were 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.

Discussion ensued on the rationale for the Sub-Committee's decision, the capacity in which the Councillor was acting and the need for a clear declaration, his comments made in the Licensing Sub-Committee and the context in which these were made.

The Committee were unanimous that the Councillor should be censured and suggested the Leader of the leading majority party be informed of the decision.

It was suggested that to avoid any uncertainty in the future, further awareness raising be made with the Chairs of various Committees to clarify whether a Councillor was present at a meeting in an official capacity or a member of the public. This would then prompt more timely declarations and for this to be included as part of induction and formal training.

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

(2) That the recommendations of the Sub-Committee made at the hearing be supported.

(3) That the Councillor be censured and for this to be reported to the Leader of the Majority Group.

**53. REVIEW OF THE STANDARDS AND ETHICS SUB-COMMITTEE HEARING "ORDER OF PROCEEDINGS"**

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which highlighted the Procedure used at Standards and Ethics Committee Sub-Committee hearings, in respect of allegations of breaches of the Members Code of Conduct, and whether this should be revised and improved.

The procedure known as the “Order of Proceedings” used at the hearing itself was attached as an appendix to the agenda pack. While it was considered the hearings proceeded satisfactorily Members were asked to comment on the Order of Proceedings and suggest any revisions or improvements.

One issue that had arisen following the most recent Sub-Committee hearing was whether it would be appropriate for the hearing process to include a formal step of asking the complainant about their desired outcome and views on this suggestion were sought.

The Committee having considered the Order of Proceedings were content with the order, but requested that this document be revised to be gender neutral. It was also proposed that a simplified version be provided on the day of hearings for the Chair.

In terms of seeking desired outcome suggestions it was proposed that this remain at the informal resolution stage of the investigation and that the “Subject Member” be advised of their opportunity to seek advice from the Independent Person. Whilst it was noted the documentation sent to “Subject Members” did indicate they may be accompanied by a friend or be represented, this may need to be reviewed and elaborated on further.

It was also suggested that room choice and layout for subsequent Sub-Committees be given due consideration within the formality of the process.

**Resolved:-** (1) That the Order of Proceedings document currently used be revised to ensure its contents were gender neutral.

(2) That a simplified textual version be developed for reference at a Sub-Committee by the Chair.

(3) That the desired outcome and views at hearing suggestions remain at the informal resolution stage of the investigation.

**54. 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 detail of the concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

A review of the complaints process and Whistleblowing Policy for the Department of Communities and Local Government had been recommended and following a number of dip sampling processes the informal feedback received indicated the Council had a robust procedure and good working practices.

**STANDARDS AND ETHICS COMMITTEE - 18/01/18**

Discussion ensued on the process of overseeing the Whistleblowing Policy and whilst it was acknowledged it was within the terms of reference of this Committee, Members were aware of the overlap with the Audit Committee. However, the Committee expressed the importance of them being aware of any emerging trends or concerns, but would welcome the views of the Department for Communities and Local Government as to where they recommended the scrutiny of the Policy should sit.

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

(2) That the recommendations by the Department for Communities and Local Government be submitted to the next meeting should they be received.

**55. 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 (eight relating to the same issue) and the action being taken in respect of each one.

Details of each related case were highlighted and in the cases of 17/17 and 18/17 the convening of Sub-Committees was recommended.

The Committee were mindful of some of the material content shared on social media and suggested a training session be dedicated to this subject in the future.

**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.

(3) That nominations be sought from the Standards and Ethics Committee for two Sub-Committees and for these to be arranged as soon as practically possible.

(4) That a future training session incorporate issues around social media.

**56. DATE AND TIME OF NEXT MEETING**

**Resolved:-** That the next meeting of the Standards and Ethics Committee take place on Thursday, 8<sup>th</sup> March, 2018 at 2.00 p.m. at the Town Hall.

## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Ethics Committee Meeting 1<sup>st</sup> May 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)**

Stuart Fletcher, Legal & Democratic Services, Riverside House, Main Street,  
Rotherham S60 1AE  
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**

A report incorporating amendments suggested at the previous Standards and Ethics Committee to 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 amended Order of Proceedings document

- ii) Make any suggestions to further improve the amended Order of Proceedings.
- iii) Approve a final version of the Order of Proceedings

**List of Appendices Included**

Appendix 1 –Sub-Committee Hearing – Amended 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 amended Order of Proceedings document
- ii) Make any suggestions to further improve the amended Order of Proceedings.
- iii) Approve a final version of the Order of Proceedings.

**2. Background**

- 2.1 Members will recall considering the Order of Proceedings currently used at hearings of the Standards and Ethics Committee Sub Committee hearings, when allegations of breaches of the Code of Conduct are considered. Suggestions to improve the Order of Proceedings were made at the last meeting, and these amendments have now been incorporated into the Amended Order of Proceedings at Appendix 1.
- 2.2 Members are asked to consider the amended Order of Proceedings, make any further suggestions for amendments and approve a final version of the Order of Proceedings document.

**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. The Order of Proceedings documents forms part of those arrangements.

**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

## **Standards Committee – Hearings Panel**

### **ORDER OF PROCEEDINGS**

#### **INTRODUCTION**

The Chair will introduce him/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 from 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 him/herself and any person with him/her either to support the Subject Member or give evidence on his/her 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.

The Complainant (if in attendance) will usually give evidence first and will explain the nature of the complaint. The Chair will ask the complainant what outcome they would want from the process.

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 issues which may have arisen from the earlier questions.

#### **PRESENTATION OF THE CASE BY THE SUBJECT MEMBER**

The Subject Member will explain the nature of his/her case i.e. which findings of fact in the investigation he/she disagrees with, and why. He/she will then present each witness he/she 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 issues which may have arisen from the earlier questioning.

#### **CLOSING SUBMISSIONS**

The Investigating Officer will summarise the most important points of the case and invite the Panel to make a determination.

The Subject Member will summarise the most important points of his/her case.

The Chair will ask all parties to leave the room whilst the Panel, in consultation with the Independent Person and with advice from 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 Ethics Committee Meeting 1<sup>st</sup> May 2018

**Title :** Standards Bulletin

**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

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

### **Ward(s) Affected**

All

### **Executive Summary**

A report providing a Standards bulletin prepared by North Yorkshire County Council (NYCC) for consideration by the Committee, and further circulation if appropriate.

### **Recommendations**

That the Committee:

- i) Consider the NYCC Standards bulletin
- ii) Identify any particular articles within the Bulletin or the whole Bulletin for wider circulation to relevant members.

**List of Appendices Included**

Appendix 1 - NYCC Bulletin Edition 32

**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 :** Standards Bulletin

**1. Recommendations**

That the Committee:

- i) Consider the North Yorkshire County Council Standards bulletin
- ii) Identify any particular articles within the Bulletin or the whole Bulletin for wider circulation to relevant members.

**2. Background**

- 2.1 Members have previously been provided with a Standards Bulletin prepared by North Yorkshire County Council, which they forward to their relevant members for information and education in respect of relevant Standards Matters.
- 2.2 As such, Members are asked to consider the latest edition of the Bulletin and comment as to whether any of particular articles should be distributed to Members, or whether the whole Bulletin should be circulated. This Bulletin has been reproduced with the consent of North Yorkshire County Council.

**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 N/A

**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 promote and maintain ethical standards. The distribution of information such as the Bulletin herewith contributes to this.

**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



North

Yorkshire County Council

Issue No: 32  
September 2017

# STANDARDS BULLETIN

## INTRODUCTION

The Committee on Standards in Public Life is continuing to maintain 'a watching brief' of the standards regimes in local government and the changes resulting from The Localism Act 2011.

The CSPL's forward work programme includes a review of local government standards, upon which the CSPL intends to consult in early 2018 with a view to making findings and publishing recommendations later in 2018.

Members will be kept informed of developments.

Should you wish to discuss any standards matter, please do not hesitate to contact the Monitoring Officer or any of his Team.

**CAROLINE PATMORE**  
Chair of the Standards Committee

## THE STANDARDS COMMITTEE

The Members of the Standards Committee:

- **County Councillor John Blackie**
- **County Councillor Andy Paraskos**
- **County Councillor Caroline Patmore**
- **County Councillor Peter Sowray**
- **County Councillor Cliff Trotter**

Also invited to meetings of the Committee are:

- **Mrs Hilary Gilbertson MBE**, Independent Person for Standards
- **Mrs Louise Holroyd**, Independent Person for Standards

**If in doubt, please seek advice from the following:**

### **Barry Khan**

Assistant Chief Executive (Legal & Democratic Services) & Monitoring Officer  
Tel: 01609 532173  
([barry.khan@northyorks.gov.uk](mailto:barry.khan@northyorks.gov.uk))

### **Stephen Loach**

Principal Democratic Services Officer  
Tel: 01609 532216  
([stephen.loach@northyorks.gov.uk](mailto:stephen.loach@northyorks.gov.uk))

### **Maira Beighton**

Senior Lawyer (Governance)  
Tel: 01609 532458  
([maira.beighton@northyorks.gov.uk](mailto:maira.beighton@northyorks.gov.uk))

## IN THIS ISSUE:

- Equality and Human Rights Commission Voluntary Principles on Standards for Political Discourse
- CSPL Ethical Standards For Providers Of Public Services Follow Up
- CSPL Review – Members' Outside Interests
- CSPL Review of Intimidation of Parliamentary Candidates
- CSPL Review of Local Government Standards
- Interests' regime
- Members' Gifts and Hospitality
- Complaint statistics
- Standards cases

## **Voluntary Principles on Standards for Political Discourse**

The Equality and Human Rights Commission published a set of 'Voluntary principles on standards for political discourse' for political parties, candidates and campaigners in relation to the general election earlier this year, to support its belief that "...while political debates should be free and open, they should not create or worsen divisions in society..."

A copy of the principles is available to view on the Commission's website:

<https://www.equalityhumanrights.com/en/publication-download/voluntary-principles-standards-political-discourse>

It is suggested that the Authority maintains a strong ethical framework, shaped by its Code of Conduct and accompanying standards documents, underpinned by support from the Authority's leadership, which encapsulates the spirit of the Commission's Voluntary Principles.

## **CSPL Ethical Standards For Providers Of Public Services**

The Committee on Standards in Public Life ("CSPL") is an advisory Non-Departmental Public Body (NDPB) sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister. It advises the Prime Minister on national ethical standards issues regarding standards of conduct of public office holders. The CSPL terms of reference were amended in 2013 to cover all involved in delivering public services, not just those elected/appointed to public office.

The CSPL is currently undertaking a follow up review of its 2014 report 'Ethical standards for providers of public services' and 2015 guidance, to see if there have been any changes in how private/voluntary

sector providers undertaking outsourced public services uphold the Nolan Principles and ethical standards. It will also assess how the CSPL guidance has been used and review how government has responded to its recommendations for transparent commissioning based on ethical expectations.

<https://www.gov.uk/government/news/ethical-standards-for-providers-of-public-services-follow-up>

Members will be kept informed of developments.

## **CSPL Review – Members' Outside Interests**

In 2009, the CSPL recommended that "MPs should not be prohibited from paid employment such as journalism outside the House, providing any such activity remains in reasonable limits. But it should be transparent and information about it should be drawn to voters' attention at election time."

The CSPL is undertaking a short review of MPs' outside interests, to inform its submission on "reasonable limits" for such interests to the ongoing inquiry by the Commons Committee on Standards into the MPs' Code of Conduct:

<https://www.gov.uk/government/news/mps-outside-interests-committee-announces-short-review>

For those wishing to contribute to the review, further information is available on the CSPL website:

<https://www.gov.uk/government/consultations/mps-outside-interests-cspl-review>

The review is open until 5pm on 13 September 2017. Members will be kept informed of developments.

## **CSPL Review of Intimidation of Parliamentary Candidates**

The Government has asked the CSPL to conduct a short review of intimidation of Parliamentary candidates and the broader implications of this for other public office holders:

*“As an independent Committee, we will consider this issue on a non-partisan basis. Members of Parliament and candidates from a range of political backgrounds have been subjected to intimidation. It is important to shed light on these experiences to inform efforts to better protect those affected and at the same time maintain healthy, robust debate and legitimate scrutiny from the public and the press.*

*“In particular, we will want to examine how social media tends to amplify, intensify, and escalate some of the long-standing issues which the Committee has been concerned about.*

*“How those in public life and candidates for public office are treated inevitably has implications for standards in public life more broadly, including how public office holders relate to members of the public.*

*“We will announce our methodology for this review later this month. We would welcome contributions from anybody interested in this issue. The Committee is keen to encourage further debate and consideration of these important issues. Further information on how to contribute will be on our website.”*

<https://www.gov.uk/government/news/intimidation-of-parliamentary-candidates-committee-announces-short-review>

<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

## **CSPL Review of Local Government Standards**

The CSPL has published its Strategic Plan, Annual Report for 2016-17 and Forward Plan for 2017-18. Copies can be found:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/626271/Setting\\_the\\_Standard - Strategic Plan Annual Report 2016-17 Forward Plan 2017-18.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/626271/Setting_the_Standard_-_Strategic_Plan_Annual_Report_2016-17_Fwd_Plan_2017-18.pdf)

The CSPL maintains a watching brief on the local government standards regime. In its 2013 report “Standards Matter” the CSPL outlined its concerns regarding possible issues re the local government standards framework under the Localism Act of 2011: *‘The new, slimmed down arrangements have yet to prove themselves sufficient for their purpose. We have considerable doubt that they will succeed in doing so and intend to monitor the situation closely’*. The forward work programme includes a review of local government standards, upon which the CSPL intends to consult in early 2018 with a view to making findings and publishing recommendations later in 2018. Members will be kept informed of developments.

## **Interests’ Regime**

Members must register and disclose **‘disclosable pecuniary interests’** as set out in regulations and detailed in the Members’ Code of Conduct, and **membership of any trade unions or professional associations** (as ‘interests other than a disclosable pecuniary interests’), but generally no wider, non-pecuniary, interests (eg membership of public and charitable bodies) unless a Member holds a position/office within the body for profit or gain.

A pecuniary interest is a disclosable pecuniary interest (“DPI”) if it is of a description specified in regulations ie

- Employment, office, trade, profession or vacation (for profit or gain)
- Sponsorship
- Contracts
- Land
- Licenses
- Corporate tenancies
- Securities

(please see the Code for the detailed descriptions

<http://www.northyorks.gov.uk/article/23630/Councillors-code-of-conduct>)

**AND either:**

- (a) it is the Member's interest or
- (b) an interest of—

- the Member's spouse or civil partner
- a person with whom the Member is living as husband and wife, or
- a person with whom the Member is living as if they were civil partners

**AND** the Member is aware of the interest.

A Member with a DPI may not participate in the discussion of, or vote on, Council business (unless a dispensation is granted) and must withdraw from the meeting room.

The Register of Members' Interests is maintained by the Monitoring Officer and is available for public inspection in Rm 11, County Hall. Electronic copies of Members' interests forms (redacted to remove signatures) are also published on the Council's website (as required by the Localism Act 2011) at:

<http://democracy.northyorks.gov.uk/Committees.aspx?councillors=1>

Members must, within 28 days of becoming aware of a new interest or a change to an existing interest, register the necessary details by providing written notification to the Monitoring Officer.

**PLEASE NOTE:** a Member commits a **criminal offence** if, without reasonable excuse, s/he —

- fails to:
  - ❖ register disclosable pecuniary interests
  - ❖ disclose an interest to a meeting where required
  - ❖ notify the Monitoring Officer of an interest disclosed to a meeting
- participates in any discussion or vote where prohibited
- an individual Member decision taker takes any steps in relation to a matter where prohibited

A Member also commits a **criminal offence** if, in relation to the registration/disclosure of interests, s/he provides information that is false or misleading and —

- knows that the information is false or misleading, or
- is reckless as to whether the information is true and not misleading.

A court may also disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority. **Please therefore keep your interests form under review** to ensure it is up to date. Should you wish to amend your interests form, please contact Julie Robinson on ext 2953 to make the necessary arrangements or call in to Room 11 in County Hall, Northallerton. **Interests' issues are ultimately Members' responsibility.** If you are in any doubt as to your position, please contact the Monitoring Officer or any of his team.

### **Members' Gifts and Hospitality**

Although gifts and hospitality offered and declined or received are no longer required to be registered in the Register of

Members' Interests, Members do **still need to register** them with the Monitoring Officer, by completing the appropriate form and returning it to the Monitoring Officer. Should you have any queries in relation to the registration of your interests or of any gifts or hospitality received/offered, then please feel free to contact the Monitoring Officer or any of his team.

### **Complaint Statistics**

For the year 1 April 2016 to 31 March 2017, the Council has received three complaints that a Member may have breached the Members' Code of Conduct. Two complaints are currently under consideration by the Monitoring Officer. The other complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and found to be out of the Standards Committee's jurisdiction and consequently no action was required. Members will be kept informed of statistical information in relation to standards complaints received by the Authority.

### **CASES**

The Local Government Lawyer publication recently published reports on the following cases:

1. Two County Councillors in Wales (where a different ethical framework applies) were suspended by their authority's standards committee for bringing the office of member/authority into disrepute after being prosecuted for breaches of Cattle Identification Regulations. During the suspension period, neighbouring councillors were asked to cover for the suspended councillors on behalf of residents of the relevant wards.
2. A member of the public conducted a long campaign of harassment against

councillors and officers, making repeated accusations of dishonesty, conspiracy, fraud, concealment, corruption and misconduct in public office and visiting councillors' homes and disrupting meetings.

Before the trial, the complainant gave an undertaking to cease the behaviour but he later repeatedly breached the undertaking by posting similar allegations on Facebook and making false allegations of theft to the Police. The authority began court proceedings for breach of the undertaking. The High Court ordered the complainant to apologise on social media, remove the postings in question and pay £100,000 towards the authority's legal costs.

3. A councillor was alleged to have been involved in transactions procuring the sale of council assets to family friends at substantial undervalue and have used his senior position within the authority to have parking tickets issued to his family withdrawn.

An investigation commenced after various subsequent allegations of serial and longstanding wrongdoing by councillors. The external investigator made a personal and derogatory observation about the councillor and his family to the chief executive.

The chief executive considered whether to continue using the investigator given the risk of bias. They continued, as the investigation was advanced, but sought Counsel's advice on the investigation report and evidence.

Counsel advised that there was a serious case to be met by the councillor and the investigation report should be published to address public criticism that the authority was suppressing wrongdoing. Counsel further advised

that a standards investigation be undertaken.

The investigation report and Counsel's Opinion were leaked during elections of a new Leader.

The councillor sought permission for judicial review and an order prohibiting publication of the documents. Permission was initially refused by the High Court but subsequently granted by the Court of Appeal. The authority's standards investigation was also stayed pending the outcome of the judicial review.

The councillor argued that the investigation was unlawful as it was tainted by bias and unreasonable and there was no power to investigate misconduct pre the Localism Act 2011. In addition, he argued that the publication of the report and Opinion was an irrational and politically motivated act, tainted by bias, unlawful under data protection legislation and violated his human rights.

The Court dismissed the councillor's judicial review claim. There was a serious case against the councillor which should be investigated under Localism Act 2011 standards arrangements.

The Court held that the authority had "ample" powers to conduct investigations into impropriety, that the publication of the report and Opinion were justified, in the public interest and not prohibited by data protection or human rights legislation. Even if this analysis was wrong and the authority had acted unlawfully, none of those breaches would be material or have any real impact on the fairness of the future investigation.

The Court order the stay on the investigation to be lifted, stating that the councillor would have a full opportunity

to present his case in the future investigation process.

The councillor was ordered to pay £55,000 costs.

4. An authority appointed an external investigator to investigate how a confidential report was leaked to a newspaper. An opposition councillor had already admitted to leaking the report after being given it by the group leader.

The investigator concluded that the group leader had given the report to the councillor and knew there was a possibility s/he would leak it to the press. The investigator stated that the fact the councillor went straight to the press and did not discuss any concerns with the council or any external agency suggested that their motivation was more political or personal rather than in the public interest.

The investigator recommended that the authority ensures it has a robust information governance framework and provide mandatory data protection training for members and officers.

**Contributors:**

**MOIRA BEIGHTON**

North Yorkshire Legal & Democratic Services

**Resources**

Localism Act 2011 and subordinate legislation.

[www.gov.uk/government/organisations/the-committee-on-standards-in-public-life](http://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life)

Information published on [www.gov.uk](http://www.gov.uk)

Local Government Lawyer case reports

## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Ethics Committee Meeting 1<sup>st</sup> May 2018

**Title :** The Membership of the Standards and Ethics Committee and the Appointment of Independent Persons

**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

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

### **Ward(s) Affected**

All

### **Executive Summary**

This report reviews the current membership of the Standards and Ethics Committee and the arrangements for the Council's Independent Persons and makes recommendations to refresh the membership of the Committee and to re-appoint the current Independent Persons.

### **Recommendations**

That the Committee:

- i) Recommend that Council confirms the appointment of the current Town and Parish Council representatives until further nominations are received from the Town and Parish Councils.
- ii) Invite the Town and Parish Councils in the Borough to nominate three representatives who are members of a Town or Parish Council to be members of the Committee.
- iii) Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2018/19 municipal year.
- iv) Recommend that Council confirms the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

**List of Appendices**

N/A

**Background Papers**

Previous reports to Standards and Ethics Committee and full Council Minutes

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

**Title :** The Membership of the Standards and Ethics Committee and the Appointment of Independent Persons

## **1. Recommendations**

That the Committee:

- i) Recommend that Council confirms the appointment of the current Town and Parish Council representatives until further nominations are received from the Town and Parish Councils.
- ii) Invite the Town and Parish Councils in the Borough to nominate three representatives who are members of a Town or Parish Council to be members of the Committee.
- ii) Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2018/19 municipal year.
- iii) Recommend that Council confirms the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

## **2. Background**

- 2.1 The current Standards and Ethics Committee was established in 2012 following the implementation of the Localism Act 2011. Article 11 of the Council's Constitution makes the following provision for the membership of the Committee:

### ***11 The Council's Standards Committee Membership***

*(1) The Council's Standards Committee will be composed of –*

- *eight Councillors other than the Mayor and Leader;*
- *three members of a town or parish councils within the Borough (parish members) to be appointed by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011 to the Council; and*
- *five persons who are not councillors or officers of the Council (independent members).*

*Independent members*

*(2) Independent members are not entitled to vote at meetings of the Council's Standards Committee.*

*Parish members*

*(3) Town and parish council members are entitled to vote at meetings of the Standards Committees.*

### *Chairing the Committee*

*(4) The chair and vice-chair of the Committee shall be borough councillors.*

- 2.2 The current members of the Committee were appointed by the Council at its Annual Meeting in May 2017. However the original 4 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 is 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. Similarly, the Independent Members of the Committee are appointed by the Council and it is timely for the Committee to review its independent membership.
- 2.3 The Localism Act also required the Council to appoint at least one Independent Person who has duties in relation to the handling of complaints. In particular the Localism Act requires the independent person's views to be sought, and taken into account, by the Council before it makes its decision on an allegation it has decided to investigate. Council has previously appointed two Independent Persons, who are not members of the Committee, but their terms of office expired in 2017. It is now a matter of some urgency that the 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.
- 2.4 The Council's Constitution Working Group is reviewing the Council's Constitution and that work will include the terms of reference of this Committee.

### **3. Key Issues**

- 3.1 As set out above in Section 2, it is timely for the Committee to invite the Town and Parish Councils to make nominations for their three representatives on the Committee and it is necessary for the Committee to make a recommendation to the Council on the appointment of Independent Members to sit on the Committee.
- 3.2 It is also necessary for the Committee to make recommendations to Council on the appointment of Independent Persons.

### **4. Options considered and recommended proposal**

- 4.1 The recommendations to this report would enable the Town and Parish Councils to nominate new representatives and would secure the re-appointment of the current Independent Members and Independent Persons until the end of the 2018/19 municipal year. This would allow any further appointments to be considered in the light of any proposed changes to the

terms of reference of the Committee which emerge from the Constitution Working Group.

**5. Consultation**

5.1 N/A

**6. Timetable and Accountability for Implementing this Decision**

6.1 Any appointments made by Council will take effect immediately.

**7. Financial and Procurement Implications**

7.1 None

**8. Legal Implications**

8.1 The appointment of at least one Independent Person by the Council is a statutory requirement. The terms of office of the two Independent Persons previously appointed have now expired and in order for the Council to comply with its statutory duties a further appointment is required. Until further appointments are made it will not be possible to hold Hearing Panels as it is a statutory requirement for there to be consultation with an Independent Person before a decision is made on a complaint which has been investigated. The recommendation is that Council be asked to retrospectively re-appoint the current Independent Persons to ensure that any consultation of the Independent Persons since the expiry of their terms of office is valid.

**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

## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Ethics Committee Meeting 1<sup>st</sup> May 2018

**Title :** Standards and Ethics Committee Work Plan

**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

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

### **Ward(s) Affected**

All

### **Executive Summary**

A report setting out a draft Work programme for the Standards and Ethics Committee for the period June 2018 to December 2019.

### **Recommendations**

That the Committee:

- i) Consider and comment on the draft Work Plan
- ii) Adopt a finalised Work plan for the period June 2018 to September 2019

**List of Appendices Included**

Appendix 1 - Draft Work plan

**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 :** Standards and Ethics Committee Work Plan

**1. Recommendations**

That the Committee:

- i) Consider and comment on the draft Work Plan
- ii) Adopt a finalised Work Plan for the period June 2018 to September 2019

**2. Background**

- 2.1 A draft Work Plan for the period June 2018 to September 2019 is attached at Appendix 1, and includes all matters contained within the Standards and Ethics Committee Terms of Reference.
- 2.2 Adoption of a Work Plan will ensure that the Standards and Ethics Committee is able to focus on a range of issues throughout the year and provide transparency in relation to the work of the Committee.
- 2.3 As such members are requested to consider the draft Work Plan, suggest any amendments, make any proposals as to any of other issues which would be beneficial for the Standards and Ethics Committee to consider, and thereafter adopt a finalised Work Plan.

**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 The draft Work Plan covers the period June 2018 to September 2019

**7. Financial and Procurement Implications**

- 7.1 The requirements of the Work Plan will be met within current budget of Legal Services and Democratic Services.

**8. Legal Implications**

- 8.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain ethical standards. The work of the Standards and Ethics Committee as set out in the draft Work Plan contributes to this.

**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

## STANDARDS COMMITTEE WORK PLAN: 2018

Date	Update	Comments
June 2018	<p>Training Plan</p> <p>Complaints &amp; Update from Monitoring Officer</p> <p>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)</p> <p>Annual Report</p> <p>Consultation Response – CSPL</p>	
Sept 2018	<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>Complaints &amp; Update from Monitoring Officer</p> <p>Review of arrangements for declarations of interests for members</p>	

December 2018	<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>Complaints &amp; Update from Monitoring Officer</p>	
March 2019	<p>Complaints &amp; Update from Monitoring Officer</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>	
June 2019	<p>Review the operation of the Whistleblowing Policy</p> <p>Complaints &amp; Update from Monitoring Officer</p> <p>Annual Report</p>	
September 2019	<p>Review the Code of Conduct and Supplementary documentation</p> <p>Complaints &amp; Update from Monitoring Officer</p>	

## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Ethics Committee Meeting – 1<sup>st</sup> May 2018

**Title :** Consultation by the Committee on Standards in Public Life in relation to its review of local government ethical standards

### **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

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

### **Ward(s) Affected**

All

### **Executive Summary**

A report setting out the consultation being undertaken by the Committee on Standards in Public Life in relation to its review of local government ethical standards and arranging for the Standards and Ethics Committee to respond to the consultation.

### **Recommendations**

That the Committee:

- i) Consider the consultation document herewith and make appropriate comments for submission.
- ii) If appropriate establish a Working Party to meet once to formulate a full response to the consultation.

**List of Appendices Included**

Appendix 1 - Committee on Standards in Public Life - Local government ethical standards consultation

**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 :** Consultation by the Committee on Standards in Public Life in relation to its review of local government ethical standards

## **1. Recommendations**

That the Committee:

- i) Consider the consultation document herewith and make appropriate comments for submission.
- ii) If appropriate establish a Working Party to meet once to formulate a full response to the consultation.

## **2. Background**

2.1 The Committee on Standards in Public Life (CSPL) is carrying out a review of local government ethical standards. To inform this review the CSPL is carrying out a consultation, which runs from 29<sup>th</sup> January 2018 to 18<sup>th</sup> May 2018.

### **2.2 Terms of Reference**

The terms of reference for the review are 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.

2.3 The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

## **2.4 Who can respond?**

Anyone with an interest may respond to the consultation questions. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- local authorities and standards committees
- local authority members (for example, Parish Councillors, District Councillors)
- local authority officials (for example, Monitoring Officers)
- think tanks with an interest or expertise in local government
- academics with interest or expertise in local government
- representative bodies or groups related to local government

Further information, submission guidelines, and consultation questions can be found in the consultation document, herewith at Appendix 1.

- 2.5 The matters covered within the review by the CSPL, in particular the sanctions available to the Council/Committee in relation to breaches of the Code of Conduct have concerned the Committee on several occasions in the past. As such it would be beneficial for the Standards and Ethics Committee to make a submission to the Consultation. While comments are welcomed from Committee members at the meeting on the 1<sup>st</sup> May 2018, it may be most appropriate to establish a Working Party to meet separately (on one occasion) in order to formulate the Committees submission.

## **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 As stated above, this report is to arrange for a response by the Standards and Ethics Committee to a consultation carried out by the CSPL in relation to its review of local government ethical standards

## **6. Timetable and Accountability for Implementing this Decision**

- 6.1 Consultation responses need to be received by the CSPL by 5.00pm on the 19<sup>th</sup> May 2018.

## **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 promote and maintain ethical standards. Responding to this consultation will be in accordance with that duty.

**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

**Review of Local Government Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

**Terms of reference**

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. 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.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

**Consultation questions**

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole.

Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

#### *Codes of conduct*

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

#### *Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
  - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
  - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
  - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

#### *Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?
  - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

#### *Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
  - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
  - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

#### *Whistleblowing*

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

#### *Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

#### *Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?
  - i. What measures could be put in place to prevent and address this intimidation?

#### **Who can respond?**

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

## How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)
2. Via post to:  
Review of Local Government Ethical Standards  
Committee on Standards in Public Life  
GC:07  
1 Horse Guards Road  
London  
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email ([public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).

## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Ethics Committee 1<sup>st</sup> May 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**

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 relating to an individual).

**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 1<sup>st</sup> May 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)**

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  
Tel : 01709 255768

#### **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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