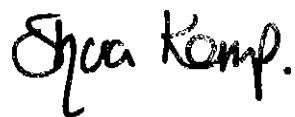


STANDARDS AND ETHICS COMMITTEE

Venue: **Town Hall, Moorgate
Street, Rotherham. S60
2TH** **Date:** **Thursday, 13 June 2019**
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.
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 21st March, 2019 (herewith) (Pages 1 - 6)
6. Introduction to the Committee for New Members.
7. Committee on Standards in Public Life - Review of Local Government Ethical Standards - Best Practice Recommendations (herewith) (Pages 7 - 28)
8. Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct (herewith) (Pages 29 - 38)
9. Complaints Update (herewith) (Pages 39 - 45)
10. Review of Concerns raised pursuant to the Whistleblowing Policy (herewith) (Pages 46 - 51)
11. Annual Report (herewith) (Pages 52 - 56)
12. Date and Time of Next Meeting - Thursday, 12th September, 2019 at 2.00 p.m.



S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE
Thursday, 21st March, 2019

Present:- Councillor McNeely (in the Chair); Councillors Clark, Fenwick-Green, Ireland, Simpson, Short and Vjestica, in addition to Mr. D. Rowley and Mr. R. Swann (Parish Council Representatives) and also Mrs. A. Bingham, Mr. P. Edler, Mrs. M. Evers and Ms. J. Porter (Independent Co-optees).

Also in attendance was Ms. Kate Penney (Observer).

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

28. MONITORING OFFICER

The Committee were sorry to learn that the Monitoring Officer was currently off work ill and wished to offer him their best regards for a speedy recovery.

29. DECLARATIONS OF INTEREST

Councillor Ireland left the room during Minute No. 32 during consideration of this item as a member of the Parish Council.

30. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH DECEMBER, 2018

Consideration was given to the minutes of the previous meeting held on 13th December, 2018.

With regards to Minute No. 22 (Complaints) the Committee noted the need for a Standards hearing and sought nominations for a Sub-Committee on a date to be agreed.

Resolved:- (1) That the minutes of the meeting of the Standards and Ethics Committee held on 13th December, 2018 be approved as a true and accurate record of proceedings.

(2) That a Sub-Committee comprising Councillors McNeely and Simpson, Mr. R. Swann (Parish Council Representative), Mr. P. Edler and Mrs. A. Bingham (Independent Members) and Mr. P. Beavers (Independent Person) be arranged for Friday, 3rd May, 2019 at 10.00 a.m. at the Town Hall.

31. DIFFERENCES BETWEEN THE REQUIREMENTS FOR MEMBERS AND OFFICERS WITH REGARDS TO DECLARATIONS FOR GIFTS AND HOSPITALITY

Further to Minute No. 26 of the meeting of the Standards and Ethics Committee held on 13th December, 2018, consideration was given to the

report presented by the Head of Internal Audit which informed the Committee of the requirements to declare gifts and hospitality received by Members and Officers.

The Code of Conduct for Members and Co-Opted Members depicted that a Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality. A member must similarly provide written notification of gifts and hospitality received on more than one occasion during a twelve month period from the same person or body, even though each gift or hospitality was of a lesser value than £25, unless the gifts were of nominal value for publicity purposes in the Register of Interests.

The staff Code of Conduct stated that, as a general rule, gifts should be refused. Where that was not possible gifts should be recorded in the Corporate Gifts and Hospitality Register, available from the management support team and that employees should exercise discretion in offering and accepting hospitality, with regard given to seven criteria. Again, any hospitality received or offered should be recorded in the Corporate Gifts and Hospitality Register.

Financial Procedure Rule 34 gave overall guidance for Gifts, Loans and Sponsorship defining them as the voluntary provision to the Council of non-public funds, services, equipment or other resources. It stated that gifts, loans and sponsorship must not be accepted where there was a risk of damaging the integrity or propriety of the Council, and provided guidance of offers that should be avoided. It also stated that Strategic Directors have discretion to accepting individual gifts, loans or sponsorship related to their directorates in accordance with the above guidance up to a value of £25,000. Above this value, the approval of Cabinet was, therefore, required.

The Deputy Monitoring Officer offered further information on proposals to increase the amount for gifts and hospitality for Members up to £100.00 and would liaise with the Head of Internal Audit accordingly on the detail.

With regards to gifts and hospitality received as part of the role as Mayor, it was noted that a separate register recording all the detail was available via the Mayor's P.A.

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

32. CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by the Deputy 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, recommended outcome any actions identified were highlighted.

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.

(Councillor Ireland left the room during consideration of this item)

33. REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy 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.

Clarification was sought on the programme of publicity around the Whistleblowing Policy and awareness raising with staff.

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

34. APPOINTMENT OF STANDARDS AND ETHICS COMMITTEE INDEPENDENT PERSONS

Consideration was given to the report presented by the Deputy Monitoring Officer which reviewed the arrangements for the Council's Independent Persons and recommended the re-appointment of the current Independent Persons.

It was noted the Council had previously appointed two Independent Persons, who were not members of the Committee, and their terms of office were renewed at the Council meeting in May, 2018 until the end of the 2018/19 Municipal Year.

A recruitment exercise in respect of the two Independent Person posts had commenced, but this may not be concluded before the end of the 2018/19 Municipal Year. Therefore, it was recommended that the terms of office for the current Independent Persons be extended to the end of the 2019/20 Municipal Year. This extension would be on the basis that following the conclusion of the recruitment exercise a further report would be brought to the Standards and Ethics Committee and if necessary subsequently Council.

STANDARDS AND ETHICS COMMITTEE - 21/03/19

The recruitment exercise had not been undertaken previously as it was felt appropriate to take into account the recommendations from the review into Local Government Ethical Standards by the Committee on Standards in Public Life. With regards to Independent Persons the review recommended that "The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once".

The Committee welcomed the continuity and extension of the terms of office for the current Independent Persons and could see the continued added value of appointing two separate people to deal with complaints from 2020.

Resolved:- (1) That Council be asked to confirm the appointment of the current Independent Members of the Committee until the end of the 2019/20 Municipal Year.

(2) That the ongoing recruitment exercise in respect of the Independent Person roles be noted and that a further report be submitted to the Standards and Ethics Committee at the conclusion of the recruitment process.

(Mr. P. Beavers and Mr. D. Roper-Newman, Independent Persons, left the room during consideration of this item)

(THE CHAIR AUTHORISED CONSIDERATION OF THE APPOINTMENT OF AN INDEPENDENT MEMBER IN ORDER TO FULLY REALISE THE FULL MEMBERSHIP OF THE STANDARDS AND ETHICS COMMITTEE)

35. APPOINTMENT OF INDEPENDENT MEMBER TO THE STANDARDS AND ETHICS COMMITTEE

Further to Minute No. 21 of the meeting of the Standards and Ethics Committee held on 13th December, 2018, consideration was given to an update following the recruitment process to try to fill the last remaining Independent Member vacancy.

An interview process involving the Chair, Monitoring Officer and one of the Independent Persons confirmed the candidate, who was interviewed on Monday, 18th March, 2019, to be an appropriate person to undertake the role of Independent Member. The candidate was Kate Penney.

The Committee were pleased to finally have a full membership and were happy to support the appointment.

Resolved:- That Council be recommended to confirm the appointment of Kate Penney as Independent Members of the Standards and Ethics Committee for a period of four years.

(Ms. Kate Penney left the meeting during discussion of this item)

36. COMMITTEE ON STANDARDS IN PUBLIC LIFE (CSPL) - REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

Consideration was given to the report as submitted and a short presentation (by way of PowerPoint) by the Deputy Monitoring Officer, which presented the findings of the Committee on Standards in Public Life review of Local Government Ethical Standards and sought views from the Committee on what action should be taken at this stage if any.

On 30th January, 2019, the Committee on Standards in Public Life published its report and key recommendations included:-

- A new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman.
- Revised rules on declaring interests and gifts and hospitality.
- An updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct.
- A strengthened role for the Independent Person.
- Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded
- Greater transparency about the number and nature of Code complaints
- Political groups set clear expectations of behaviour by their members and code of conduct training be mandatory.

Many of the recommendations would require primary legislation; the implementation of which would be subject to Parliamentary timetabling. Some changes could be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by Government relatively quickly.

The best practice was a matter for individual local authorities and, therefore, could be introduced by the Council straightway through the establishment of a Working Group. This would allow for consideration of the steps to be taken to introduce all of the best practice recommendations as set out in the report.

The Committee welcomed the recommendations set out in the report, but suggested that the Working Group be delayed and included as an agenda item at the next meeting in June, thus allowing for potential changes to the membership at the Annual Council Meeting in May. This was due to the Council already having some of the best practice in place; notably prohibition on bullying and harassment in the code of conduct, the code of conduct and arrangements for dealing with complaints clearly published on the website, access to two Independent Persons and a requirement to consult with the Independent Person at initial assessment stage.

The presentation highlighted:-

- A Reminder of the Current Regime.
- Remit for the Review.
- Headline Findings.
- Specific Recommendations – Code of Conduct.
- Specific Recommendations – The Scope of the Code.
- Specific Recommendations – Sanctions.
- Specific Recommendations – The Role of the Independent Person.
- Specific Recommendations – Standards Committees.
- Specific Recommendations – The Role of the Monitoring Officer.
- Best Practice in Local Government.
- Next Steps.

The Committee were in full support of the steps to introduce all the best practice recommendations as this would demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council.

The introduction of an updated voluntary Model Code of Conduct for Local Authorities to retain ownership of their own Codes of Conduct would provide consistency across the borough and provide clarity when the Code was applicable. The eventual application of any sanctions would be subject to a level to be determined by the Council once the legislation had been approved.

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

(2) That consideration of a Working Group being established, to consider the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report, be deferred to the next meeting.

37. DATE AND TIME OF NEXT MEETING - THURSDAY, 13TH JUNE, 2019 AT 2.00 P.M.

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 13th June, 2019 at 2.00 p.m.



Public/Private Report
Council/or Other Formal Meeting

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting - 13th June 2019

Title : Committee on Standards in Public Life – Review of Local Government Ethical Standards – Best Practice Recommendations

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

Ward(s) Affected

All

Executive Summary

An analysis of the Committee on Standards in Public Life recommendations of best practice which the Council already complies with, along with an action plan for the Council to implement the other best practice recommendations.

Recommendations

That the Committee:

1. Agree to establish a Working Group to decide on and where possible implement the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report.

List of Appendices

Appendix 1 – CSPL Report Executive Summary, List of Recommendations and List of Best Practice

Appendix 2 – Analysis - List of Best Practice, Current RMBC Position, Action required

Background Papers

Report of the Committee on Standards in Public Life Local Government Ethical Standards - A Review by the Committee on Standards in Public Life.

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title : Committee on Standards in Public Life – Review of Local Government Ethical Standards – Best Practice Recommendations

1. Recommendations

That the Committee:

1. Agree to establish a Working Group to decide on and where possible implement the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report.

2. Background

- 2.1 The Committee on Standards in Public Life (“CSPL”) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. CSPL is an independent advisory non-departmental public body.
- 2.2 As Members are aware, during 2018, the CSPL undertook a review of local government ethical standards. A copy of the full CSPL report is a background paper to this report, has been circulated previously to members of the Committee and is available at <https://www.gov.uk/government/publications/local-governmentethical-standards-report>. A copy of the Executive Summary, List of Recommendations and List of Best Practice was included in the papers for the last meeting and for ease of reference again appears at Appendix 1.
- 2.3 The Review included a number of recommendations, along with a list of Best Practice. As stated in the previous report to Committee, many of the CSPL recommendations will require primary legislation; the implementation of which will be subject to Parliamentary timetabling. Some changes can be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by government relatively quickly.
- 2.4 The review also included a list of best practice. The best practice recommendations are set out at Appendix 2, and are directed to local authorities, and the CSPL stated in their report that they expect that any local authority can and should implement them. The CSPL intend to review the implementation of their best practice recommendations in 2020.
- 2.5 At the previous meeting the Committee resolved that an analysis be undertaken as to which of the best practice recommendations the Council was already complying with, and what changes would be needed in order to ensure compliance with all of the best practice. That analysis has been undertaken and is set out again in Appendix 2.
- 2.6 As such it is recommended that the Committee establish a Working Group in order that those actions within Appendix 2 which are required for the Council to comply with the CSPL best practice recommendations are undertaken.

3. Key Issues

- 3.1 The analysis of which of the best practice the Council currently complies with and what further action is required in order to comply with all of the best practice is set out at Appendix 2.

4. Options considered and recommended proposal

- 4.1 The relevant recommendations are set out above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

- 6.1 It is recommended that a working group be established at the meeting on 13th June 2019. This working group will then report back to the Standards and Ethics Committee meeting in September 2019, setting out how the best practice recommendations made in the Review of Local Government Ethical Standards have been/are to be implemented.

- 6.2 The CSPL has stated in its report that it will be reviewing the implementation of the best practice recommendations within relevant authorities in 2020.

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. The CSPL report sets out best practice as to how the Council should fulfil this statutory 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)

Bal Nahal, Head of Legal Services

Local Government Ethical Standards

**A Review by the
Committee on
Standards in Public Life**

**Committee on
Standards in
Public Life**





Executive summary

Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



Executive summary

There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

Declaring and managing interests

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

Investigations and safeguards

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

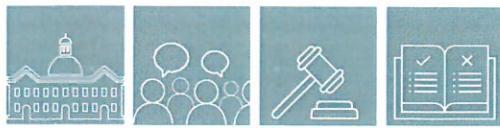
Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

Sanctions

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



Town and parish councils

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

Supporting officers

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

Councils' corporate arrangements

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

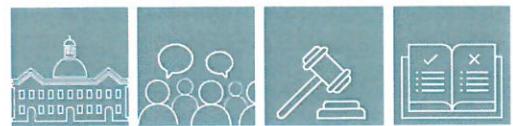
Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

Leadership and culture

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

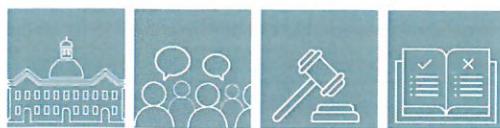
The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



Executive summary

written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

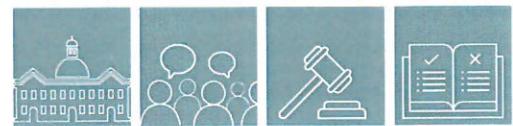
An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.



List of recommendations

List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



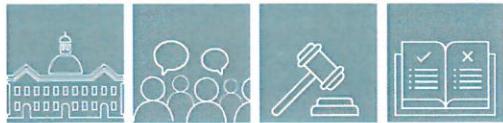
List of recommendations

Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



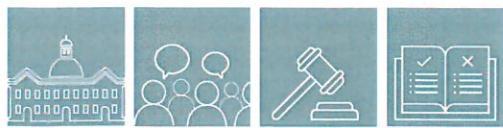
List of recommendations

Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



List of recommendations

Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association



List of best practice

List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

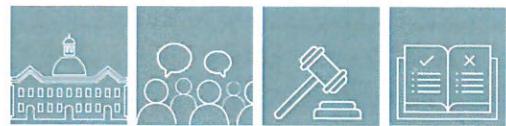
Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.



List of best practice

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Appendix 2

CSPL List of Best Practice

The recommendation as to Best Practice made by the CSPL are set out below, along with a statement as to what the current position is at Rotherham MBC, and a suggestion as to any action required in order for the Council to comply with the best practice recommendation.

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Rotherham MBC current position: The current Code of Conduct includes a definition of bullying, which was included following the previous review of the Code of Conduct. As part of a further review of the Code of Conduct, it would be possible to supplement the current Code with a list of examples as recommended.

Action Required: Review of the Code of Conduct

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Rotherham MBC current position: These provisions are not currently included within the Code of Conduct, but can be included at the time of the next review of the Code of Conduct.

Action Required: Review of the Code of Conduct

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Rotherham MBC current position: The Council's Code of Conduct was reviewed in 2017, with appropriate changes made. It will be possible for the Code to be reviewed annually and the views of the public, community organisations and neighbouring authorities sought.

Action Required: Annual Review of the Code of Conduct with subsequent consultation as above.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Rotherham MBC current position: The Code of Conduct is easily accessible on the Standards and Ethics Committee part of the public website. A hard copy of the Code of Conduct is available in Council premises including on relevant reception desks.

Action Required: None

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Rotherham MBC current position: The Councils gifts and hospitality register is not currently published, but it would be possible to do so.

Action Required: Quarterly updating of the gifts and hospitality register, along with publication in an accessible format.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Rotherham MBC current position: The councils Standards and Ethics Complaints Procedure, already includes a clear and straightforward public interest test against which allegations are filtered. Again this is already published on the Councils Standards and Ethics Committee part of the website.

Action Required: None

Best practice 7: Local authorities should have access to at least two Independent Persons.

Rotherham MBC current position: The Council already has two Independent Persons.

Action Required: None

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Rotherham MBC current position: The Monitoring officer already consults with the Independent Person as to whether a formal investigation on an allegation should be undertaken. Further the Monitoring Officer also consults with the Independent Person when he/she is minded to dismiss a complaint as being without merit, vexatious or trivial. This process is included within the Standards and Ethics Complaints procedure.

Action Required: None

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Rotherham MBC current position: When the Council makes a decision on an allegation of misconduct following a formal investigation, a decision notice is published as soon as possible on the Council's website. This includes the information recommended above.

Action Required: Currently the decision notices which the Council publishers are published within meeting papers. It would be possible to publish these Decision Notices together in a separate part of the Standards and Ethics Committee website.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Rotherham MBC current position: The Standards and Ethics Complaints Procedure provides a straightforward and accessible guidance as to how a complaint is made under the Code of Conduct, the process for handling complaints and estimated timescales for investigations and outcomes. It would be possible however to provide a shorter and more accessible guide to provide an overview of this process.

Action Required: Production of a short form overview guide as to the Standards and Ethics Complaints Procedure, which may be published on the Standards and Ethics part of the Council's website.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Rotherham MBC current position: This is an issue which affects Parish and Town Councils, as opposed to the Borough Council. Although it is anticipated that Parish Clerks have had access to the CSPL review, it would be prudent to send a copy to them, along with a particular reference to this recommendation.

Action Required: The Monitoring Officer to forward a copy of the CSPL review to Parish clerks making particular reference to this recommendation.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Rotherham MBC current position: This is already in place within the Council.

Action Required: None

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Rotherham MBC current position: The Council already has such procedures in place and has utilised Monitoring Officers from different authorities to undertake investigations when necessary. However it would be beneficial for this to be formally stated within the Councils Standards and Ethics Complaints procedure.

Action Required: Amendment to the Standards and Ethics Complaints Procedure as above

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Action Required: Checks to be carried out as to the content of the Annual Governance Statement and if necessary make the appropriate amendments for the next Statement.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Rotherham MBC current position: This type of meeting is not currently undertaken by senior officers but would be beneficial.

Action Required: Regular meetings to be arranged between the Monitoring Officer, the Chair of Standards and Ethics Committee and the group leaders or group whips to discuss standards issues.



Public Report
Council/or Other Formal Meeting

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting - 13th June, 2019

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)

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Ward(s) Affected

All

Executive Summary

This report sets out the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 3rd May, 2019, in relation to an alleged breach of the Code of Conduct by Maltby Town Councillor Bill Spillsbury.

Recommendations:

It is recommended that the Standards and Ethics Committee:

- (i) Note the outcome of the Standards and Ethics Sub-Committee Hearing on 3rd May, 2019.
- (ii) Consider any issues arising from the decisions of the Standards and Ethics Sub-Committee and of the Council.
- (iii) Publish the Decision Notice on the Council's website

List of Appendices Included

Exempt - Decision Notice for the Hearing on 3rd May, 2019

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

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

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:

- 1.1 Note the outcome of the Standards and Ethics Sub-Committee Hearing on 3rd May, 2019.
- 1.2 Consider any issues arising from the decisions of the Standards and Ethics Sub-Committee and of the Council.
- 1.3 Publish the Decision Notice on the Council's website

2. Background

- 2.1 A Hearing of the Standards and Ethics Sub-Committee took place on 3rd May, 2019. The Decision Record in respect of the Hearing is at Appendix 1.
- 2.2 As set out in the Decision Record, the Sub-Committee found that Town Councillor Bill Spillsbury's conduct was in breach of the Code of Conduct in that he had failed to treat others with respect, and that he had brought his office of Councillor and the Town Council into disrepute.
- 2.3 The Sub-Committee decided that the following sanctions should be applied to the Subject Member:
 - (i) That the Maltby Town Council be advised of the outcome and findings of the Sub-Committee.
 - (ii) The formal Decision Notice setting out the findings of the Sub-Committee shall be published on the agenda of the next meeting of the Standards and Ethics Committee.
 - (iii) That a recommendation be made to Maltby Town Council that the Subject Member be censured.
 - (iv) That a recommendation be made to Maltby Town Council that the Subject Member be removed from the Committees or Sub-Committees of the Town Council upon which he sits.
 - (v) The Monitoring Officer shall be instructed to arrange appropriate training for the Subject Member.
 - (vi) That a recommendation be made to the Maltby Town Council that the Subject Member be removed from all outside appointments to which he has been appointed or nominated by the Town Council.
 - (vii) That a recommendation be made to the Maltby Town Council that the Subject Member be asked to return all equipment

belonging to the Town Council and that the Subject Member be excluded from the Town Council premises except for attending Council Meetings.

- (viii) The Subject Member and the witness be commended for providing evidence and her attendance at the Sub-Committee Hearing.
- 2.4 Members are asked to consider the Decision Notice and raise and discuss any issues arising from Decision Notice or the Hearing itself (in respect of those Members who were in attendance).

3. Key Issues

- 3.1 The key issues are set out above.

4. Options considered and recommended proposal

- 4.1 This report informs the Committee of the decision made by the Sub-Committee on 3rd May, 2019.

5. Consultation

- 5.1 As required by the Localism Act, 2011, one of the Committee's Independent Persons was consulted by the Sub-Committee during the hearing on 3rd May, 2019.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The Decision Record has been provided to the Maltby Town Council for their implementation.

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 As stated above the Decision Record has been provided to the Maltby Town Council for their implementation.

13. Risks and Mitigation

- 13.1 None

14. Accountable Officer(s)

Bal Nahal, Head of Legal Services

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

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Public/Private Report
Council/or Other Formal Meeting

Summary Sheet**Standards and Ethics Committee Report**

Standards and Ethics Committee Meeting – 13th June 2019

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,
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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)

Bal Nahal, Head of Legal Services

Appendix 1

Schedule of Complaints

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

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Public/Private Report
Council/or Other Formal Meeting

Summary Sheet**Standards and Ethics Committee Report**

Standards and Ethics Committee – 13th June 2019

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

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)

Bal Nahal, Head of Legal Services

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

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Public/Private Report
Council/or Other Formal Meeting

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee - 13th June 2019

Title

Annual Report

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,

Ward(s) Affected

All

Executive Summary

A report setting the work undertaken by the Standards Committee in the municipal year 2018/2019.

Recommendations

That the Committee notes the work undertaken by the Standards and Ethics Committee in the municipal year 2018/2019.

List of Appendices Included

N/A

Background Papers

Previous Agendas and Minutes of Standards Committee meetings

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title

Annual Report

1. Recommendations

That the Committee notes the work undertaken in the municipal year 2018/2019.

2. Background

- 2.1 This report summarises the work undertaken by the Standards Committee during the Municipal Year 2018/2019.
- 2.2 In May 2018 the Committee received a report about a review of the Standards and Ethics Committee Order of Proceedings to be used at Sub-Committee Hearings. The Committee also received a standards bulletin, a report about the membership of the standards and ethics Committee and the appointment of Independent Persons. The Committee also received a report about the Committee work plan for the Municipal year.
- 2.3 Also in May 2018 the Committee received a report about the consultation exercise being undertaken by the Committee on Standards in Public Life in respect of their review into Ethical Standards in Local Government. Subsequently a working group met to discuss the Committee's response to the consultation, which was submitted by the Monitoring Officer in May 2018. This response set out concerns which the standards committee had expressed for some time.
- 2.3 In June 2018 the Committee received reports about the Committee's training plan, a report about local codes and protocols, the previous year's Annual report, and a report about current issues in local government standards.
- 2.4 In September 2018 Committee received reports about the Whistleblowing Policy and an amendment to include reference to Modern Slavery, pursuant to a recent Council motion. The Committee also received a report about the outcome of a Standards and Ethics Sub-Committee hearing regarding a breach of the Code of Conduct. The outcome of the hearing was reported to full Council as the sanctions imposed included the removal of the Subject Member from all outside bodies which he was a member of.
- 2.5 In December 2018 the Committee received reports about the reappointment of Parish Council members and the appointment of two new Independent Members to the Standards and Ethics Committee

following a successful recruitment process. The Committee also received a report about the outcome of a further Standards and Ethics Sub-Committee hearing regarding a breach of the Code of Conduct. The Committee also received reports from Internal Audit, about Gifts and Hospitality and financial procedures.

- 2.6 In March 2019 the Committee received a report from Internal Audit about the differences between the requirements for Members and Officers with regards to Declarations for Gifts and Hospitality. The Committee also received a report about the appointment of Standards and Ethics Committee Independent Persons and a further Independent member following a further recruitment exercise.
- 2.7 Also in March 2019 the Committee received a report and presentation about the Committee on Standards in Public Life (CSPL), Review of Local Government Ethical Standards. An exercise has subsequently been carried out to identify those areas of best practice which the Council currently complies with along with an action plan of what is required to implement the other recommendations of best practice as put forward by the CSPL.
- 2.8 In May 2019 a Standards and Ethics Committee Sub-Committee heard an allegation of a breach of the Code of Conduct at a Town Council and this has been reported to the Standards and Ethics Committee meeting in June 2019.
- 2.9 The Committee received regular reports on complaints received about the conduct of Borough, town and parish councillors and on concerns raised via the Council's Whistleblowing Policy. Further information as to the numbers of complaints received over the period, along with an analysis as to the type of complaints received and a comparison to national figures will be provided at the meeting. Updates on developments in standards were also provided regularly.

3. Key Issues

- 3.1 The key issues within each item are set out above.

4. Consultation

- 4.1 Not applicable

5. Timetable and Accountability for Implementing this Decision

- 5.1 Not applicable.

6. Financial and Procurement Implications

6.1 None.

7. Legal Implications

7.1 The Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council and has delegated that responsibility to the Standards and Ethics Committee.

8. Human Resources Implications

8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

9.1 None.

10. Equalities and Human Rights Implications

10.1 None

11. Implications for Partners and Other Directorates

11.1 None

12. Risks and Mitigation

12.1 There is a risk of undermining public confidence in the Council and in local town and parish councils if high ethical standards and high standards of conduct are not maintained.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services