

STANDARDS AND ETHICS COMMITTEE

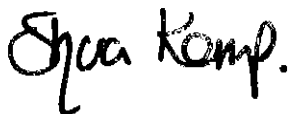
Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH

Date: Thursday, 30 January 2020

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. Minutes of Previous Meeting Held on 18 September 2019 (Pages 1 - 5)
5. To determine any item which the Chair is of the opinion should be considered as a matter of urgency.
6. Guidance on Members Registration and Disclosure of Interests (Pages 6 - 37)
7. A Review of Concerns Raised Pursuant to the Whistleblowing Policy (Pages 38 - 42)
8. Standards and Ethics Committee - Consideration of Complaints (Pages 43 - 48)



SHARON KEMP
Chief Executive

STANDARDS AND ETHICS COMMITTEE**18th September, 2019**

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, Sheppard, Vjestica, Parish Council Representatives Messrs. D. Bates, D. Rowley and R. Swann and also Mrs. A. Bingham and Mrs. M. Evers (Independent Members).

Also in attendance (at the invitation of the Chair) were Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

Apologies for absence were received from Councillor D. Cutts and Mr. P. Edler.

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. 56 and 57 on the grounds that they involve 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.

51. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH JUNE, 2019

Consideration was given to the minutes of the previous meeting held on 13th June 2019.

With regards to Minute No. 44 (Outcome of Hearing) the Committee noted that the decision of the Sub-Committee was forwarded to Maltby Town Council. Whilst it was acknowledged the Sub-Committee had few sanctions the actions taken by the Town Council, the ensuing publicity and the fact of the Town Councillor's resignation showed that there could be serious consequences following on from decisions of the Standards and Ethics Committee.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 13th June, 2019 be approved as a true and accurate record of proceedings.

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52. OUTCOME OF A STANDARDS AND ETHICS SUB-COMMITTEE HEARING REGARDING AN ALLEGED BREACH OF THE CODE OF CONDUCT

Consideration was given to the report presented by the Deputy Monitoring Officer which set out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 6th September, 2019 in relation to an alleged breach of the Code of Conduct by Councillor John Turner.

The findings and sanctions by the Sub-Committee would be reported to Council on the 30th October, 2019.

The Committee considered the concerns raised with regards to the anonymity of complainants and the likelihood for Panels being able to make a fair judgement. In this case it was judged there to be sufficient evidence to make a decision without the disclosure or attendance of the complainant.

Further discussion ensued on Councillor responsibilities, appropriateness of the arena where the comments were made and the need for social media and freedom of speech to be considered as subjects in any future training.

Resolved:- (1) That the outcome of the Standards and Ethics Sub-Committee Hearing on 6th September, 2019 be noted.

(2) That the social media and Code of Conduct training to be provided refers to issues raised in the decision of the Standards and Ethics Sub-Committee.

53. AMENDMENTS TO THE WHISTLEBLOWING POLICY

Consideration was given to the report presented by the Deputy Monitoring Officer which set out a number of proposed amendments to the Whistleblowing Policy following a review of the Policy and the way in which it operated.

To assist the Standards and Ethics Committee a full copy of the Whistleblowing Policy with suggested amendments in “tracked” version and a fully amended version for ease of reading were provided.

The suggested amendments included “administrative” changes to include the new post of the Head of Legal Services, and a change to the external Auditor and also included an additional way in which Whistleblowing concerns may be reported to the Council, by introducing a specific Whistleblowing Hotline number.

In addition, the proposed amendments also included nominating three senior officers, namely the Monitoring Officer, the Head of Internal Audit and the Section 151 Officer as the Council’s “Whistleblowing Officers”.

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These officers would be responsible for the oversight of the operation of the Whistleblowing Policy including oversight of receiving concerns, investigating concerns and providing appropriate information to the Whistle-blower as to the progress and outcome of any investigation. These Whistleblowing Officers would also be responsible for ensuring appropriate actions were taken following an investigation and implementing any lessons learned following an investigation.

This strengthened the resilience of the arrangements which previously only referred to the Assistant Director of Legal Services being responsible for these matters.

The proposed amendments also included amendments to the way in which concerns were allocated for investigation, due to the introduction of the Whistleblowing Officers. Again for this reason there were changes to the way in which the whistle-blower was kept informed about the investigation.

An explanation was provided in respect of the legislation which may be applicable to permit the withholding of information and the reasons for and why they may be shared.

Resolved:- That the proposed amendments to the Whistleblowing Policy be approved.

54. COMMITTEE FOR STANDARDS ON PUBLIC LIFE - UPDATE - REVIEW OF ETHICS IN LOCAL GOVERNMENT

The Deputy Monitoring Officer provided a verbal update on the current position and confirmed letters had been distributed to all local Members of Parliament to advise of the favourable response to the Review and encouraged them to take action for appropriate changes to legislation. A response had been received from one of the local M.P.s to the effect that they would raise the issue in Parliament to implore the relevant Minister to make the appropriate changes as recommended in the report.

Whilst it may be premature for Standards and Ethics Committees to yet implement many of the proposed changes, certain best practice recommendations have been implemented, and the other best practice recommendations will be implemented

The report had also been endorsed by the Yorkshire Local Councils Association who were of the same opinion as the Committee.

Resolved:- That the information be noted.

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55. TRAINING UPDATE

The Deputy Monitoring Officer reported verbally on forthcoming training events and suggested that a session be arranged specifically for the Standards and Ethics Committee Members on the Sub-Committee process for hearings prior to the next scheduled meeting.

The Committee welcomed this approach and also suggested that less experienced Members be invited to sit in on any such arranged hearings as long as this was in consultation with relevant parties involved.

The Chair also referred to additional training that was to take place with Parish Councils and extended the invitation to all Standards and Ethics Committee Members.

The training was scheduled for:-

- Thursday, 7th November, 2019 – Town Hall – 6.00 p.m. to 8.00 p.m.
- Monday, 2nd December, 2019 – Dalton Parish Hall – 10.00 a.m. to 12.00 Noon.

Resolved:- (1) That a training session be arranged and diary invites circulated to Standards and Ethics Committee Members.

(2) That the Parish Council training sessions be noted.

56. A 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.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

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

57. STANDARDS AND ETHICS COMMITTEE - 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.

Reference was made to each related case and recommended outcomes/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.

58. DATE AND TIME OF NEXT MEETING - THURSDAY, 12TH DECEMBER, 2019 AT 2.00 P.M.

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 12th December, 2019 at 2.00 p.m.

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting – 30th January 2020

Title

Guidance on Members Registration and Disclosure of Interests

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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Rotherham S60 1AE
Tel : 01709 823523

Ward(s) Affected

All

Executive Summary

A summary of the requirements in relation to the registration of Members Interests.

Recommendations

1. That the Committee note the contents of the report and the requirements relating to members' interests.
2. That the Monitoring Officer issues to all Members a reminder about the requirement for Members to register relevant interests, as set out within the report, and that ongoing reminders be issued on a six monthly basis.

List of Appendices

1. Code of Conduct
2. "Openness and transparency on personal interests" – DCLG Sept 2013

Background Papers

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title : Guidance on Members Registration and Disclosure of Interests

1. Recommendations

3. That the Committee note the contents of the report and the requirements relating to members Interests.
4. That the Monitoring Officer issues reminder about the requirement for members to register relevant interests, as set out within the report be issued to all members, and ongoing reminders be issued on a six monthly basis.

2. Background

2.1 Register of members interests

2.1.1 Pursuant to s.29 Localism Act, there is a requirement for the Council's Monitoring Officer to:

- Establish and maintain a register of members' and co-opted members' interests.
- Make the register available for inspection.
- Publish the register on the council's website.

The Council complies with this requirement and makes completed Members Register of Interest forms available on the Council website.

2.1.2 The requirement upon each individual member in respect of the registration and disclosure of their interests is set out in the Code of Conduct, the relevant part of which is attached at Appendix 1.

An explanation as to the requirements in respect of each element of the Code of Conduct and the obligations upon members is set out below.

2.2 Disclosure of pecuniary interests on taking office

2.2.1 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (2012 Regulations) defines disclosable pecuniary interests. The Localism Act abolished the previous requirements of personal and prejudicial interests, although it is a matter for each Authority to decide if they still wish to define personal interests, which the Council does, (see below)

2.2.2 A member or co-opted member of a relevant authority must, within 28 days of becoming a member, notify the monitoring officer of any disclosable interests that they, their spouse or civil partner they live with, have. This is set out in 30 of the Localism Act 2011.

2.2.3 The 2012 Regulations specify the pecuniary interests that members and co-opted members of relevant authorities are required to include in the register of interests. These include any:

- Employment, office, trade, profession or vocation that the member carries on for profit or gain.

- Contract between the member and the member's local authority under which goods or services are to be provided or works are to be executed and that has not been fully discharged.
- Beneficial interest in land that is within the authority's area.

These requirements are replicated in the Council's Code of Conduct.

2.2.4 Upon re-election or re-appointment there is no requirement on the member to re-notify the local authority in relation to an interest that is already on the authority's register of interests.

2.2.5 As well as disclosing such interests on the register, a member is required to disclose a disclosable pecuniary interest of which the member is aware, at a meeting where any matter to be considered relates to that interest.

2.2.6 If the interest is not registered, or is subject to a pending notification, the member must notify the monitoring officer of the interest within 28 days. In these circumstances, the member is prohibited from participating in the discussion at the meeting, unless they have a dispensation under section 33 of the Localism Act.

In relation to disclosable pecuniary interests the Code of Conduct states:

*(2) Where you have a **disclosable pecuniary interest** in any business of the Council and you attend a meeting of the Council at which the business is considered, unless the interest is a sensitive interest (see sub-paragraph (3)), you must disclose the existence and nature of that interest and, unless you have been granted a dispensation (see sub-paragraph (4)), you must not take part in the discussion or vote on that item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.*

In summary therefore if a member has a Disclosable Pecuniary Interest in any business of the council, and attends a meeting at which it is discussed, the interest must be disclosed, and the member must not take any further part in the discussion or vote and must leave the room.

2.2.7 As set out above the requirement on a member to disclose a disclosable pecuniary interest at a meeting is subject to two exceptions which are:

- Sensitive interests
- Dispensations

Further information in respect of Sensitive Interests and Dispensations is set out below.

2.2.8 In September 2013 the DCLG published an updated version of "Openness and transparency on personal interests: A guide for Councillors". The guide gives basic information for councillors, including parish councillors, on how to be open and transparent about their personal interests. This guide is at Appendix 2. The guidance confirms that any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 is a disclosable pecuniary interest and requires councils own codes of conduct to specifically require councillors to register their personal trade union interests.

4.3 Personal Interests

2.3.1 Unlike the previous statutory model code of conduct, there is no category of personal interests that have to be declared under the Localism Act. As stated above it is for the relevant authority to determine what is entered in the authority's register.

2.3.2 The Council has determined that "Personal interests" as set out below should be disclosed by members:

Personal interests

8. *You have a personal interest in any business of the Council where either it relates to or is likely to affect –*
- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;*
 - (ii) any body –*
 - (aa) exercising functions of a public nature;*
 - (bb) directed to charitable purposes;*
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or*
 - (dd) which is a private club or society, such as the Freemasons, a recreational club, working men's club or private investment club,*
of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or*
 - (iv) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of you or a member of your family or a close friend or someone with whom you have a close association to a greater extent than it*

would affect the majority of other council tax payers, ratepayers or inhabitants of your ward or electoral area.

2.3.3 The Code of Conduct goes on to state:

11. (1) *Where you have a **personal interest** in any business of the Council and you attend a meeting of the Council at which the business is considered unless the interest is a sensitive interest (see subparagraph (3)), you must disclose the existence and nature of that interest and then consider whether the interest is of such significance that it warrants withdrawal from and no further participation in the discussion or vote on that item, with any such withdrawal from the meeting being recorded in the minutes.*

2.3.4 As such whether the member must also leave the room during a debate depends on the circumstances of the meeting and the nature of the interest. This is a matter for the individual member to decide, and in this respect members are urged to err on the side of caution and transparency.

2.4 Sensitive interests

2.3.1 A sensitive interest is when the member and the monitoring officer consider that disclosure of the interest could lead to the member, or a person connected with them, being subjected to violence or intimidation. For the Monitoring Officer to agree that this is the case appropriate evidence of the risk of violence or intimidation needs to be provided by the member.

2.3.2 Therefore, if the monitoring officer agrees, the member merely has to disclose the existence of an interest, rather than the detail of the interest, at a meeting and the monitoring officer can exclude the detail of the interest from the published version of the register of members' interests.

2.4 Dispensation

2.4.1 The Council is able, upon written request, to grant dispensations for up to four years for a member to be able to participate in or vote at meetings where they have a disclosable pecuniary interest if, having had regard to all relevant circumstances, it considers that:

- Not granting the dispensation is likely to impede the particular business transaction.
- Without the dispensation, the representation of different political groups on the body would be so upset as to alter the outcome of any vote on the matter.
- The granting of the dispensation is in the interests of individuals living in the authority's area.
- Where the authority is one to which Part 1A of the Local Government Act 2000 applies, not granting the dispensation would prevent each member of the authority's executive from participating in the business of the executive.

- It is otherwise appropriate to grant a dispensation.

2.5 Criminal offences

As stated in the Code of Conduct a criminal offence is committed where a member:

- Fails, without reasonable excuse to comply with the requirements of the Code of Conduct to register or declare disclosable pecuniary interests.
- Takes part in council business at a meeting when the member has a disclosable pecuniary interest.

The prosecution must be brought by, or on behalf of, the Director of Public Prosecutions (DPP) and must be brought within:

- Twelve months of the DPP having the evidence to warrant prosecution.
- Three years of the commission of the offence being committed.

2.6 Members Interests

2.6.1 All members register of interest forms have been reviewed and by members and updated where appropriate, and reconfirmed as accurate over the past six months.

2.6.2 Appropriate reminders will be issued to all members to ensure that checking of register of interest forms is an ongoing process by members.

2.6.3 Although as stated above upon re-election or re-appointment there is no requirement on the member to re-notify the Council in relation to an interest that is already on the authority's register of interests, following the all-out elections in May 2020, new members will be required to provide a Register of interests, and all existing members will be asked to review and update their Registers of Interests.

3. Key Issues

- 3.1 That members are aware of the requirements of registering and disclosing their interest as set out above and comply with those requirements.

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 As set out above a reminder will be issued to Members in respect of registering and disclosing their interests following the meeting and then re-issued on a six monthly basis.

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 high standards of conduct. The information set out in this report explains how members should comply with the requirements of the Localism Act, thereby contributing to the promotion and maintenance of high standards 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



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

ROTHERHAM BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

PART 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of Rotherham Borough Council ("the Council").
- (2) It is your responsibility to comply with the provisions of this Code and uphold the seven principles of public life set out in Annex 1 to this Code.
- (3) In this Code –
 - A "meeting of the Council" means any meeting of –
 - (a) the Council;
 - (b) the Cabinet, a committee of the Cabinet or a member of the Cabinet acting under delegated powers;
 - (c) the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees.

A "member" includes a co-opted member who is entitled to vote on any question that falls to be decided at any meeting that falls within paragraphs (a) – (c) above.

Scope

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

- (a) on any of the authorities which are under a duty to have a similar code of conduct to this Code, you must comply with that authority's code of conduct when acting for that authority;
- (b) on any organisation or body that is not obliged to have a code of conduct, you must comply with this Code except to the extent that this Code conflicts with any other lawful obligations to which that other organisation or body may be subject.

General obligations

- 3. (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause the Council to breach any of the equality duties;
 - (b) bully any person;
 - (c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4. You must not –
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

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

6. You –
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself, or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the Council –
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's –
 - (a) chief finance officer (the Strategic Director of Resources); or
 - (b) monitoring officer (the Director of Legal and Democratic Services),where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

8. Guidance as to the operation and interpretation of this Code of Conduct is provided by the principles set out in the supplemental document, attached hereto entitled "A healthy system of democratic leadership and accountability"

PART 2

Interests

Personal interests

8. You have a personal interest in any business of the Council where either it relates to or is likely to affect –
- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes;
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (dd) which is a private club or society, such as the Freemasons, a recreational club, working men’s club or private investment club,

of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or
 - (iv) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of you or a member of your family or a close friend or someone with whom you have a close association to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of your ward or electoral area.

Disclosable pecuniary interests

- 9 (1) You have a “disclosable pecuniary interest” in any business of the Council where it is a pecuniary interest of yours or a pecuniary interest of –
- (a) your spouse or civil partner,

(b) a person with whom you are living as if husband and wife, or

(c) a person with whom you are living as if you are civil partners

and you are aware that that other person has the interest and the interest falls within the categories of pecuniary interests classed as disclosable pecuniary interests in regulations made by the Secretary of State from time to time under section 30 (3) of the Localism Act 2011.

(2) The current disclosable pecuniary interests are listed in Annex 2 to this Code.

Notification of interests

10. You must notify the Council's monitoring officer of any interest that is classed as a personal interest or a disclosable pecuniary interest –
- (a) within 28 days of becoming a member or co-opted member of the Council;
 - (b) within 28 days of acquiring any interest or becoming aware of any such interest;
 - (c) within 28 days of any change to an interest that you have previously registered; or
 - (d) within 28 days of disclosing an interest at a meeting of the Council

Disclosure of interests

11. (1) Where you have a **personal interest** in any business of the Council and you attend a meeting of the Council at which the business is considered unless the interest is a sensitive interest (see subparagraph (3)), you must disclose the existence and nature of that interest and then consider whether the interest is of such significance that it warrants withdrawal from and no further participation in the discussion or vote on that item, with any such withdrawal from the meeting being recorded in the minutes.
- (2) Where you have a **disclosable pecuniary interest** in any business of the Council and you attend a meeting of the Council at which the business is considered, unless the interest is a sensitive interest (see sub-paragraph (3)), you must disclose the existence and nature of that interest and, unless you have been granted a dispensation (see subparagraph (4)), you must not take part in the discussion or vote on that

item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.

- (3) You need not disclose the nature of any **personal interest** or **disclosable pecuniary interest** in an item of business where the Council's monitoring officer considers that disclosure of the details of the interest ("a sensitive interest") could lead to you or a person connected with you being subject to violence or intimidation.
- (4) Sub-paragraph (2) and (3), do not apply where the monitoring officer or the Standards Committee, as the case may be, has granted a dispensation to enable you to take part in the discussion of, or vote on that item, or both.

Offences

- 12 You commit an offence if without reasonable excuse –
- (a) you fail to notify the monitoring officer within 28 days of becoming a member of the Council of any disclosable personal interests that you have;
 - (b) you fail to disclose at a meeting of the Council the nature and extent of a disclosable pecuniary interest that you have, and are aware of having, in an item of business that is being considered at the meeting, unless –
 - (i) the interest is a sensitive interest and paragraph 11 (3) applies;
 - (ii) the interest is entered in the Register of Members' Interests maintained by the monitoring officer; or
 - (iii) the monitoring officer has been notified that you have such an interest but the register has not yet been updated ("a pending notification");
 - (c) you fail to notify the monitoring officer of a disclosable pecuniary interest that you have disclosed at a meeting of the Council, or where you are a member of the Cabinet at your delegated powers meeting, as the case may be, within 28 days of the date on which you made the disclosure;
 - (d) you participate in any discussion of, or vote on, any item of business at a meeting of the Council in which you have a disclosable pecuniary interest of which you are aware, unless you have been granted a dispensation in accordance with paragraph 11 (4), or

- (e) you have a disclosable pecuniary interest of which you are aware in any item of business to be dealt with, or being dealt with, by you as a member of the Cabinet acting under delegated powers and despite having that interest continue to deal with that item of business, except where such dealing is for the purpose of arranging for the item to be dealt with otherwise than by you.

Terms within this Code of Conduct are given their normal English meaning, for example, to bully is defined in the Oxford English Dictionary as “to use superior strength or influence to intimidate (someone) typically to force them to do something”

The Seven Principles of Public Life

Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

5. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

7. Holders of public office should promote and support these principles by leadership and example.

DISCLOSABLE PECUNIARY INTERESTS

In accordance with Section 30(3) of the Localism Act 2011 a pecuniary interest is a “disclosable pecuniary interest” in relation to a member, if it is of a description specified below and either

- is an interest of the member, or
- is 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 that the other person has the interest.

However it should be noted that the disclosure of sponsorship is only in relation to the sponsorship of the member and not in relation to a spouse or civil partner.

In the Table below –

“body in which you have a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which M gives notification of a disclosable pecuniary interest;

“relevant person” means you (as a member) or your spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if you were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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DISCLOSABLE PECUNIARY INTERESTS

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant Council.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to the member's knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total

	<p>issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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A healthy system of democratic leadership and accountability

As councillors for the Borough in 2015 we understand the special responsibilities we bear. The Council must improve and we are confident that improvement has begun. The Council needs to increase public confidence. As councillors we need to demonstrate we are learning from the past and mindful of the high standards we set for ourselves and that others demand.

Councillors have a number of roles. We need to be accessible and approachable to our ward constituents, whether they voted for us or not, and willing to ensure the Council hears and responds to their needs appropriately. We need to help increase local communities' ability and willingness to pull together and find local solutions to common problems. We need to lead and scrutinise the service delivery of the paid staff. And we want to plan for the future of the Borough and make decisions about the best ways to increase prosperity, ensure wellbeing and provide opportunities.

We believe politics is about debate and sometimes argument. Such debate helps the Council decide what to do and how to do it. We are currently debating how to organise ourselves within the council but however this is determined all councillors have both individual, Group and collective responsibilities. We know that political arithmetic matters. A Party with a majority can expect to win votes if it agrees on a course of action. Minority parties accept this. In return all parties accept they should seek to find common cause where they can whilst disagreeing where they think they must.

We want a reputation as councillors who are credible, responsible and self-critical. As part of this we have come together on a cross-party basis to discuss a new local code, in which we commit to high standards, more specific and detailed than the national code of conduct which binds all councillors. This local code should therefore be read as supplementing that document which already outlaws bullying, requires close attention to conflicts of interest, holds us to keep private matters confidential and commits us to the seven principles of public life.

In many ways this code breaks no new ground. Our councillors live these standards every day. But we recognise that by writing these standards down we show how serious we are about our personal and Group self-discipline.

This is what we want to do:

Be respectful

1. Always remember the importance of those individuals and communities who need the council's services.
2. Ensure our words and actions are free from prejudice and improper discrimination.
3. Get the basics right and be courteous and reliable in all our dealings with the public.
4. Understand the legal requirements on the Council.

5. Always be mindful that we are responsible for other people's money.
6. Be clear with the staff of the council about our ambitions and expectations whilst treating them with respect.
7. Act, dress and carry ourselves in a way that invites others to respect our efforts.

Be imaginative

8. Be energetic and be ambitious; looking ahead to what needs to change.
9. Encourage others to take an interest in the Council.
10. Use evidence of what works elsewhere to improve our decision-making.
11. Advocate for those individuals and communities who need our help.
12. Widen the circle of those contributing to local life.
13. Never be complacent and try to learn from others and be open to new ideas.

Be open-minded

14. Accept if we have got things wrong and try to put things right
15. Commit to personal development to improve our understanding, skills and confidence.
16. Challenge those who fall below the high standards we believe in.
17. Avoid giving personal criticism, whilst being willing to vigorously debate ideas and principles
18. Resist taking offence too easily, recognising that politics requires resilience.
19. Understand our personal accountability and engage with the press and others to explain our work
20. Escalate any individual concerns responsibly, using agreed systems of the Council.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 30 January 2020

Report 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, Deputy Monitoring Officer/Service Manager, Legal Services
01709 823523 - stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

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

Recommendations

1. 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).

A Review of Concerns Raised Pursuant to the Whistleblowing Policy

1. Background

- 1.1 This report provides an overview of the Whistleblowing cases which have been received over the past year.
- 1.2 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 anonymised in order not to identify the Whistleblower, pursuant to the policy in respect of confidentiality.

2. Key Issues

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

3. Options considered and recommended proposal

- 3.1 Recommendations have been referred to above.

4. Consultation on Proposal

- 4.1 N/A

5. Timetable and Accountability for Implementing this Decision

- 5.1 N/A

6. Financial and Procurement Advice and Implications

- 6.1 Any work undertaken by Legal Services in dealing with this matter is within the budget for Legal Services.

7. Legal Advice and Implications

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

8. Human Resources Advice and Implications

- 8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None.

10. Equalities and Human Rights Advice and Implications

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

11. Implications for Partners

11.1 None.

12. Risks and Mitigation

12.1 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.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Stuart Fletcher, Deputy Monitoring Officer/Service Manager,
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This report is published on the Council's [website](#).

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 – 30th January 2020

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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Tel : 01709 823523

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 promote and maintain high standards of conduct. 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.

Document is Restricted