

STANDARDS AND ETHICS COMMITTEE

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

Date: Thursday 17 June 2021

Time: 2.00 p.m.

A G E N D A

1. Apologies for Absence

To receive the apologies of any Member who is unable to attend today's meeting.

2. Declarations of Interest

To receive declarations of interest from Members in respect of items listed on the agenda.

3. Exclusion of Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Agenda Items 6 and 7 both have appendices which are exempt from the press and public.

4. Minutes of the previous meeting held on 21st January, 2021 (Pages 3 - 5)

To consider and approve the minutes of the previous meeting held on 21st January, 2021 as a true and correct record of the proceedings.

5. Update as to Receipt of Register of Interest Forms (Officers to report)

To receive a verbal update from officers as to the receipt of Register of Interest Forms.

6. Consideration of Complaints (Pages 6 - 9)

To give consideration to 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.

7. Matters of Concern raised pursuant to the Whistleblowing Policy (Pages 10 - 14)

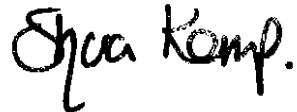
To give consideration to a report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

8. Urgent Business

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

9. Date and Time of Next Meeting

The next meeting of the Standards and Ethics Committee will take place on Thursday 16th September, 2021, commencing at 2.00 p.m.

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

S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE
21st January, 2021

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, D. Cutts, Sheppard, Simpson, Mr. D. Rowley (Parish Council Representative) and also Mrs. A. Bingham and Mrs. K. Penney (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 Vjestica, Mr. D. Bates and Mr. R. Swann (Parish Council Representative) and Mrs. M. Evers (Independent Member).

102. THANKS AND APPRECIATION - INDEPENDENT MEMBER

The Chair wished to place on record, on behalf of the Committee, her thanks and appreciation to Mrs. Julie Porter, following her resignation from the Standards and Ethics Committee.

103. DECLARATIONS OF INTEREST

There were no declarations of interest.

104. EXCLUSION OF PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for Minute Nos. 107 (Review of Complaints) and 108 (Review of Concerns Raised Pursuant to the Whistleblowing Policy) on the grounds that they have appendices that involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

105. MINUTES OF THE PREVIOUS MEETING HELD ON 19TH NOVEMBER, 2020

Resolved:- That the minutes of the previous meeting held on 19th November, 2020 be approved as a true and correct record of the proceedings.

106. LGA MODEL MEMBER CODE OF CONDUCT

Further to Minute No. 97 of the previous meeting of the Standards and Ethics Committee consideration was given to the report following the Council's receipt of the final approved version of the LGA Model Code of Conduct on 23rd December 2020.

The Committee were, therefore, asked to consider the final version and to decide whether they would recommend it being adopted by the Council, and whether any amendments to the Model Code of Conduct would be appropriate. The Model Code, as per the LGA website set out the importance of the role of the Councillor and holding Councillors to account.

The attention of the Committee was drawn to the general principles of conduct expected of all councillors and the specific obligations in relation to standards of conduct with the aim of creating and maintaining public confidence in the role of Councillor and Local Government.

Whilst the new Code was not greatly different, it provided more guidance when the Code was to be applied.

The LGA would endeavour to review and evaluate the Code on an annual basis to ensure it remained fit for purpose and to consider any reasonable adjustments.

The Council would look to synchronise its own annual review with that of the LGA and would contact them accordingly to give sight to both reviews to this Committee for consideration before being recommended onto full Council.

The new Code was welcomed and whilst there were some slightly improved variations it also clarified some concerns relating to social media. It did not address or resolve the lack of sanctions that could be applied following complaints.

Adoption of the new Code would require further training and every effort would be made to put this in place, in accordance with the current pandemic regulations.

Resolved:- That the Committee recommends to Council that the LGA's Model Member Code of Conduct be adopted.

107. REVIEW 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.

The Committee also received reports, circulated prior to the meeting, by the Deputy Monitoring Officer which set out the outcomes of two Standards and Ethics Sub-Committee Hearings which took place on

STANDARDS AND ETHICS COMMITTEE - 21/01/21

Monday, 18th January, 2021 in relation to two alleged breaches of the Code of Conduct; one in respect of an office of a Parish Councillor and the other as a Borough Councillor.

The findings and sanctions recommended by the Sub-Committees to be considered and endorsed by the Committee would be reported to Council on the 3rd March, 2021 for information.

The Committee listened carefully to each report and were satisfied that the actions set out were fair and proportionate and endorsed the recommendations for each hearing.

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

(2) That the outcomes and actions of the Standards and Ethics Sub-Committee Hearings on 18th January, 2021 be endorsed.

108. 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 had 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.

109. URGENT BUSINESS

The Chair advised that there were no urgent items of business requiring the Committee's consideration.

110. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee be held on Thursday, 18th March, 2021 at 2.00 p.m.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 17 June 2021

Report 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)
01709 823523
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Ward(s) Affected

Borough-Wide

Report 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 relating to an individual).

Standards and Ethics Committee - Consideration of Complaints

1. Background

- 1.1 A Schedule of complaints received and actions taken in respect of those complaints is at Appendix 1.
- 1.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

2. Key Issues

- 2.1 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.

3. Options considered and recommended proposal

- 3.1 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.

4. Consultation on proposal

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

5. Timetable and Accountability for Implementing this Decision

N/A

6. Financial and Procurement Advice and Implications

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

7. Legal Advice and Implications

- 7.1 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.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

None

12. Risks and Mitigation

None

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Stuart Fletcher, Service Manager (Commercial and Property)
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of the Local Government Act 1972.

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Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 17 June 2021

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

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