

STANDARDS AND ETHICS COMMITTEE

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

Date: Thursday 7 March 2024

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 5, 6 and 7 have confidential appendices.

4. Minutes of the previous meeting held on 9th November, 2023 (Pages 3 - 6)

To consider and approve the minutes of the previous meeting held on 9th November, 2023 as a true and correct record of the proceedings.

5. Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct -Thurcroft Parish Councillor D Fretwell (Pages 7 - 26)

To receive and note the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 19th February, 2024 in relation to an alleged breach of the Code of Conduct by Thurcroft Parish Councillor D. Fretwell

6. A Review of Concerns Raised Pursuant to the Whistleblowing Policy (Pages 27 - 35)

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

7. Review of Complaints (Pages 37 - 43)

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.

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, 13th June, 2024, commencing at 2.00 p.m.

A handwritten signature in black ink that reads "S. Kemp". The signature is written in a cursive, slightly stylized font.

S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE
Thursday 9 November 2023

Present:- Councillor Griffin (in the Chair); Councillors Bacon, Z. Collingham, Keenan, Wilson, Buckley, Carroll and Mr. R. Swann.

Also in attendance Mr. P. Beavers, Independent Person, along with Mr. S. Fletcher, Mr. P. Horsfield and Mrs. B. Nahal.

Apologies for absence were received from Councillors McNeely, Hughes and Yasseen and Mrs. A. Bingham, Mr. P. Edler and Mrs. K. Penney and Mr. D. Roper-Newman.

11. DECLARATIONS OF INTEREST

Councillor Griffin declared a personal interest in Minute No. 18 (Complaints) on the basis that he was a party involved in a complaint.

Councillor Keenan declared a personal interest in Minute No. 18 (Complaints) on the basis that he was a party involved in a complaint.

12. 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 Agenda Items 8 and 9 (Considering of Whistleblowing Policy and Complaints) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

13. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH JUNE, 2023

Resolved:- That the minutes of the previous meeting held on 15th June, 2023 were approved as a true and correct record of the proceedings.

14. CIVILITY AND RESPECT PLEDGE - UPDATE

Further to Minute No. 23 of the meeting of the Standards and Ethics Committee held on 19th January, 2023, consideration was given to the report presented by the Service Manager which provided an update on the adoption of the Civility and Respect Pledge by the Borough's Parish and Town Councils.

One of the recommendations from that meeting was for the Chair of the Committee to write to all Parish and Town Councils in the Borough setting out the benefits of the Civility in Respect Pledge and encouraging them to sign up.

Details about the Pledge had also been discussed at the Parish Liaison

Group and the Parish Liaison Officer had provided support to Parish Councils accordingly.

It was also suggested at that meeting the Committee receive an update in due course as to how many Parish and Town Councils had signed up to the Pledge and their experience of the same.

The Committee were advised that twelve responses had been received. From those twelve responses, seven confirmed they had signed up and adopted the Pledge and five confirmed they had decided not to do so.

The reasons for signing and the reasons for not signing were set out in detail as part of the report, but those Parishes deciding not to sign up did not feel there was a need and those that had signed up had not really seen any discernible difference.

The Committee were advised the adoption of the Pledge was a matter for Parish and Town Councils, but they would continue to be encouraged to do so and the benefits widely available to them emphasised.

The Committee were disappointed in the number of responses received to date given the number of Parish and Town Councils in the Borough. On this basis it was suggested that further correspondence be issued to Parish Clerks setting out the full details of the Pledge and links to the various websites and documents that described and demonstrated how Parish and Town Councils would benefit from the Civility and Respect Pledge adoption.

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

(2) That further correspondence be issued to Parish Clerks providing full details of how Parish and Town Councils would benefit from the Civility and Respect Pledge adoption.

15. STANDARDS AND ETHICS COMMITTEE - HEARINGS PANEL - ORDER OF PROCEEDINGS

Consideration was given to the report which detailed the periodic review of the Standards and Ethics Committee Sub-Committee Hearing Procedure which was in place in accordance with the Local Government Association Guidance on Complaint Handling, published in July, 2021.

The Monitoring Officer having considered the Hearing Procedure was of the opinion that no changes were required.

The Committee were asked if they had any views as to the operation of the procedure and whether any improvements were considered necessary.

The Committee and the one of the Independent Person at the meeting were in full agreement that the procedure currently in place was robust and appropriate. No changes were recommended.

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

(2) That the Sub-Committee Hearing Procedure as presented be approved as fit for purpose in its current format.

16. TRAINING UPDATE

Consideration was given to a verbal update of the training that had been arranged recently on 6th September, 2023 relating to the Code of Conduct.

The training arranged was well attended with invitations having been issued to all Parish and Town Councils and the training presentation and associated documents were circulated to all Clerks for the content to be shared and digested.

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

17. 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 and to examine if there were any particular trends emerging.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken. It was apparent from the documentation that there were no consistent themes in the nature of the cases, which would require further action, over and above that taken in respect of each matter raised.

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

18. CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by the Service Manager 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 were provided on each related case, without providing personal information, and recommended outcomes/actions identified were highlighted.

Two cases recommended that Sub-Committee hearings be convened and arrangements would be put in place for these to be heard as soon as practically possible.

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

(2) That arrangements be made for two Sub-Committee hearings to be convened.

19. URGENT BUSINESS

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

20. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee be held on Thursday, 18th January, 2024, commencing at 2.00 p.m. at the Town Hall.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 07 March 2024

Report Title

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct –Thurcroft Parish Councillor D Fretwell

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

This report sets out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 19 February 2024 in relation to an alleged breach of the Code of Conduct by Thurcroft Parish Cllr D Fretwell.

Recommendations

It is recommended that the Committee:

1. Note the outcome of the Standards and Ethics Sub-Committee Hearing on 19 February 2024.

List of Appendices Included

Appendix 1 Decision Notice in respect of the Hearing on 19 February 2024
Appendix 2 Minutes of the Sub-Committee Hearing on 19 February 2024

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct – Thurcroft Parish Councillor D Fretwell

1. Background

- 1.1 A Hearing of the Standards and Ethics Committee Sub-Committee took place on 19 February 2024 . The Decision Record in respect of the Hearing is at Appendix 1.
- 1.2 Six complaints were considered at the Hearing to the effect that Councillor Fretwell had breached the Thurcroft Parish Council Code of Conduct by allegedly, as part of an Extraordinary Parish Council meeting, asked a question of one of four candidates about her ability to carry out the role of Parish Councillor. The candidate, a former Parish Councillor, had resigned due to caring responsibilities for her parents. The details of the complaint, Councillor Fretwell's response and the evidence heard by the Sub-Committee are set out in the minutes of the hearing which are at Appendix 2.
- 1.3 As set out in the Decision Record, the Sub-Committee found that Cllr Fretwell's conduct did amount to a breach of the Parish Council's Code of Conduct and it was likely to bring the Parish Council into disrepute.
- 1.4 As such the Sub-Committee made the following Resolutions:
 - (1) That the apology immediately issued by the Subject Member would discharge any recommendation that the Sub-Committee would be minded to make.
 - (2) That the formal decision notice setting out the findings of the Sub Committee be reported to the forthcoming meeting of the Standards and Ethics Committee.
 - (3) That the Monitoring Officer be directed to offer training for all Thurcroft Parish Council to include duties of the Parish Council and the role of Councillors under the Equalities Act.
 - (4) That this decision be reported to Thurcroft Parish Council.

- 1.5 Members are asked to note the Decision of the Sub-Committee.

2. Key Issues

- 2.1 The key issues are set out above.

3. Options considered and recommended proposal

- 3.1 The Sub-Committee considered the evidence and the options open to them having made a finding on the evidence presented.

4. Consultation on proposal

4.1 As required by the Localism Act 2011, one of the Committee's Independent Persons was consulted by the Sub-Committee during the Hearing on 19 February 2024.

5. Timetable and Accountability for Implementing this Decision

5.1 The Decision Record and outcome of the hearing to be presented to Thurcroft Parish Council by their Clerk at their next scheduled meeting.

6. Financial and Procurement Advice and Implications

6.1 The officer time in dealing with this complaint 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 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.

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 None

11. Implications for Partners

11.1 None

12. Risks and Mitigation

12.1. None

13. Accountable Officers

Bal Nahal, Head of Legal Services

Report Author:

Stuart Fletcher, Deputy Monitoring Officer/Service Manager, Legal Services
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Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 07 March 2024

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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Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 07 March 2024

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 stuart.fletcher@rotherham.gov.uk**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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