

ROTHERHAM BOROUGH COUNCIL

COUNCIL SUMMONS

Notice is hereby given that a meeting of the Council of the Borough of Rotherham will be held at the Town Hall, Moorgate Street, Rotherham, on Wednesday, 2nd November, 2011 at 2.00 p.m.

A G E N D A

1. To submit for approval the minutes of the Council Meeting held on 14th September, 2011 - Pages 17A to 20A (Section A)
2. To consider any communication received by the Mayor or the Chief Executive and to pass a resolution or resolutions thereon.
3. To consider any questions from the Public.
4. To receive and consider reports, minutes and recommendations of the Standards Committee - Pages 8B to 11B (Section B)
5. To receive a report from the Leader and to consider reports, minutes and recommendations of the Cabinet - Pages 40C to 62C (Section C) including the following recommendations to Council:-

Delegation of Statutory Powers to the Director of Housing and Neighbourhood Services (Minute No. C59) (Pages 43C and 44C)

Review of Polling Places 2011 (Minute No. C79) (Pages 56C and 57C)

6. To consider the following reports of meetings of Cabinet Members:-

Safeguarding Children and Adults – Pages 91D to 23D (Section D)

Community Development, Equality and Young Peoples Issues – Pages 19E to 29E (Section E)

Lifelong Learning and Culture – Pages 14F to 20F (Section F)

Town Centres, Economic Growth and Prosperity – Pages 32G to 47G (Section G)

Adult Social Care – Pages 25H to 31H (Section H)

Safe and Attractive Neighbourhoods – Pages 17J to 27J (Section J)

Health and Wellbeing – Pages 16K to 26K (Section K)

Waste and Emergency Planning– Pages 7L to 10L (Section L)

Deputy Leader and Organisational Change and Governance – Pages 6N to 7N (Section N)

7. To receive and consider reports, minutes and recommendations of the Audit Committee - Pages 15P to 17P (Section P)
8. To receive and consider reports, minutes and recommendations of the Licensing Board - Pages 9Q to 15Q (Section Q)
9. To receive and consider reports, minutes and recommendations of the Health and Wellbeing Board - Pages 1S to 6S (Section S)
10. To receive and consider reports, minutes and recommendations of the Planning Board - Pages 36T to 51T (Section T)
11. To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Standing Order No. 7(1) and 7(3).
12. To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police Authority, South Yorkshire Fire and Rescue Authority, South Yorkshire Integrated Transport Authority and South Yorkshire Pensions Authority, in accordance with Standing Order No. 7(5).
13. Standards Committee Annual Report (report herewith) (Pages 1 - 19)
14. Absence from Council due to illness (report herewith) (Pages 20 - 21)
15. Scrutiny Update - Chairman of the Overview and Scrutiny Management Board to report
16. To determine any item which the Mayor is of the opinion should be considered as a matter of urgency

R. WALLER

Senior Manager Legal and Electoral Services.

25th October, 2011



Metropolitan Borough of Rotherham

STANDARDS COMMITTEE

ANNUAL REPORT 2011

M. Andrew, Chair
A. Bingham, Vice-Chair

STANDARDS COMMITTEE: ANNUAL REPORT 2011

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FOREWORD BY THE CHAIR AND VICE-CHAIR OF THE STANDARDS COMMITTEE

Michael Andrew
Chair of Standards Committee

Angela Bingham
Vice-Chair of Standards Committee

On behalf of the Standards Committee, I am pleased to present to you this annual report of their work.

The Standards Committee assists the Council in fulfilling its legal obligation of good governance. This includes the seven general principles of public life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. The Standards Committee makes recommendations to the Council on how best it can meet its legal obligations, it arranges for training to be provided on the Code of Conduct and assesses reports of alleged transgressions of the Code of Conduct and where necessary applies appropriate sanctions. These activities are designed to promote the highest standards of behaviour by all elected and co-opted members in order to increase public trust in local government.

Over the past year the Standards Committee has continued to deal with a reduced number of complaints made against Elected Members and Town and Parish Councillors, and has maintained the links it had already established with the Audit Committee. In addition to the Committee's own rolling programme of work, a working group of the Standards Committee met on several occasions to consider the issues arising from the Council's Ethical Awareness Survey, and the action plan drawn up in respect of these has been discharged.

The past year has been an uncertain one for the Standards Regime. The Coalition Government announced their plans to abolish the strategic regulator, Standards for England, and the terms of the Localism Bill, currently on its passage through Parliament, whilst still somewhat unclear suggest a changed role for Parish and Town Councillors. The Standards Committee recognises the importance of supporting Town and Parish Councils during this period of change and its working group has considered at length the ways in which support could be offered to them as they prepare for their revised role. The Committee has, over the past year, made regular contact with the Parish and Town Councils in order to define and identify their training needs. This contact will be maintained over the coming year, and the situation kept under continuous review pending further information on the Localism Bill. When this is forthcoming the Standards Committee will be fully informed and prepared to offer appropriate support to meet the requirements of Town and Parish Councils.

The changes introduced, by the Government, over the past year remove the mandatory requirement for Local Authorities to maintain a Standards Committee. This Local Authority demonstrated good practice by establishing its own Standards Committee before this was a legal requirement. Its decision to voluntarily maintain its Standards Committee in the future further demonstrates its continued commitment to promoting and maintaining high ethical standards in an open and transparent environment.

The Standards Committee welcomes the opportunity to continue to support these aims in its work over the coming year.

Michael Andrew – Chair
Angela Bingham – Vice-Chair

September 2011

(1) **INTRODUCTION**

The Standards Committee was established by the Council in May 1999, prior to the statutory requirements contained in the Local Government Act 2000.

The Committee has various statutory functions and additional functions conferred by the Council. One of its main responsibilities is to advise the Council and Town and Parish Councils on the Code of Conduct, monitor its operation and arrange training.

Since May 2008, the Committee has been responsible for assessing and dealing with written allegations that Members of the Borough Council or of Town and Parish Councils within the Borough are in breach of the Code of Conduct.

This report shows how the Committee has performed its functions over the last year and how it supports good governance and high standards within the Borough.

(2) **MEMBERSHIP OF THE STANDARDS COMMITTEE 2010/11**

The Committee comprises eight Independent Members, including the Chair and Vice-Chair, three Parish Council representatives and four Borough Councillors. Independent Members, therefore, have an overall majority.

Independent Members and Parish Council representatives are paid a co-optees allowance of £1,000 per annum. The Chair and Vice-Chair are paid respectively an additional £2,500 and £1,500 per annum.

Independent Members

Mr. M. Andrew (Chair)

Mr. Andrew has extensive experience of local government, including with the Borough Council for whom he worked until 16 years ago. He is a former Member of the Standards Committees at both the British Standards Institute and the National House Building Council. He was formerly a School Governor, and was a member of the Yorkshire Electricity Consultative Council. He is a Magistrate on the Rotherham bench.

Mrs. A. Bingham (Vice-Chair)

Mrs. Bingham currently works as a self-employed research/management consultant and is a former higher executive officer at the Telephone Managers Office in Sheffield. She has previously served on the Parochial Church Council at All Saints, Rotherham, was a Trustee of Rotherham Crossroads and acted in a voluntary capacity as a Director of Rotherham Community Resource Programme and formerly represented the voluntary sector on Rotherham's Children and Young People's Board. From November 2006-2009 she served as Chair of the Steering Committee of Risky Business. She is currently an Independent Member of the Standards Committees of West Yorkshire Police Authority, South Yorkshire Police Authority, South Yorkshire Fire and Rescue authority and South Yorkshire Integrated Transport Authority.

Mr. I. Daines

Mr Daines was an Assistant Chief Constable with South Yorkshire Police and retired in December 2006. As well as membership of this committee, he is a member of the General Social Care Council (GSCC); he chairs hearings into allegations of misconduct by social workers. The Standards Committee and the GSCC absorb about 35 days a year, leaving plenty of time to enjoy retirement.

Mr. P. E. Edler

Mr. Edler has recently retired from BT where he was Clerk of Works, having worked there for thirty years. He served on the Post Office Engineering Unions Sheffield Committee from 1982 to 1992. For four of those years he was the union's welfare officer and three years as the union's magazine editor. He was a representative for the Sheffield POEU at two POEU Conferences. Mr. Edler now works as a teaching assistant in Sheffield schools.

Mr. D. Foster

Mr. Foster is currently a business consultant specialising in all aspects of learning and development. He works with a number of organisations, in the public and private sectors, to develop assessment and feedback practice against a variety of standards. Prior to this he served as a police officer for almost 31 years reaching the rank of Inspector. He has considerable committee experience including membership of the Yorkshire and Humberside Crimestoppers Committee.

Dr. G. Musson

Dr. Musson is a senior research and teaching academic in Human Resource Management at Sheffield University Management School. She was formerly employed as an officer of the Council in a variety of roles, and as Clerk to Brinsworth Parish Council for ten years. She is a former member of Wickersley Comprehensive School Governing Body and former Non-Executive Member of Rotherham Health Authority.

Ms. J. Porter

Ms. Porter was born and brought up in Rotherham and has recently retired, having worked in Rotherham hospitals for the previous thirty years. During that time she was a member of working groups on nursing procedures and the hospital's Standards Committee, in which role she helped to develop that service from the beginning. She is currently working in her local hospice shop part-time.

Mr. N. Sykes

Mr. Sykes was a research scientist and worked for some years for British Rail, he then became a founder director of a private sector company developing software products in the field of mechanical engineering. He is a magistrate, a lay member of the GMC and NMC Fitness to Practice Panels, Deputy Chair of the Consumer Council for Water Northern Committee and a member of the North Sheffield NHS Research Ethics Committee.

Borough Council Members (until 20th May 2011)

Councillor J. Austen

Councillor A. Buckley

Councillor J. Gilding

Councillor D. Hughes (until September 2010)

Councillor C.N. Middleton (From October 2010)

At the elections in May 2011, Councillor Austen did not seek re-election to the Council. At the Annual Council Meeting held on 20th May 2011 Councillor Hughes, who had previously been a member of the committee was appointed to take her place.

Parish Council Representatives

Councillor D. Bates - Thrybergh Parish Council

Councillor Bates is a member of Thrybergh Parish Council. He is also a Lay Member of the Sheffield Employment Tribunal and a retired school teacher.

Councillor D. Rowley – Ravenfield Parish Council (from February 2011)

Councillor J. Sharman – Aston cum Aughton Parish Council (until May 2011)

Officer Support

Advice to the Committee was provided by Tim Mumford, Assistant Chief Executive (Legal and Democratic Services) who was the Council's Monitoring Officer until his retirement at the end of June 2011 and is now provided by Richard Waller, Senior Manager, Legal & Electoral Services, who is currently the Council's Monitoring Officer. The Committee is supported by an officer from Democratic Services, Ms Debbie Bacon. Other officers attend the Committee as and when appropriate.

(3) FUNCTIONS OF THE COMMITTEE

The Council's Standards Committee's primary roles and functions are:-

- promoting and maintaining high standards of conduct by councillors and co-opted members;
- assisting councillors and co-opted members to observe the *Members' Code of Conduct*;
- advising the Council on the adoption or revision of the *Members' Code of Conduct*;
- monitoring the operation of the *Members' Code of Conduct*;
- advising, training or arranging to train councillors and co-opted members on matters relating to the *Members' Code of Conduct*;
- granting dispensations to councillors and co-opted members from requirements relating to interests in the *Members' Code of Conduct*;
- dealing with any written allegations that a member of the Council or co-opted member is in breach of the Council's Code of Conduct;
- dealing with any report from a First-tier Tribunal, and any report from the Assistant Chief Executive (Legal and Democratic Services) in his capacity as the monitoring officer or from an ethical standards officer of Standards for England.
- Performing similar functions in respect of all town and parish councils within the borough.

The Council's Standard's Committee's additional roles include:-

- preparing and reviewing protocols, local codes, advice and guidance;
- overview of the whistle-blowing policy (the *Confidential Reporting Code*);
- review of the application of *Standing Orders* and *Financial Regulations*;
- overview of complaints handling and local government ombudsman investigations;
- consideration of any reports or investigation which casts doubt on the honesty and integrity of the Council and recommending action to the Council or Cabinet.

The Council's Standards Committee's Terms of Reference are attached at Appendix 1.

(4) INFORMATION ABOUT THE CODE OF CONDUCT

This is a quick reminder of the main points of the Members' Code of Conduct and is not intended to be legal advice. The full Code of Conduct is available on the Council's website and a guide to it – entitled *The Code of Conduct: Guide for members* – is available from the Standards for England's website.

Do

- Follow the Code of Conduct when you are representing your authority.
- Be aware of what personal and prejudicial interests are – refer to the Standards Board guide if you are unsure.
- Keep your register of interests up to date.
- Treat others with respect
- Register gifts and hospitality, received in your role as a member, worth more than £25.
- Visit www.standardsforEngland.gov.uk for more information.

Don't

- Bring your authority or office into disrepute.
- Use the authority's resources for party political purposes.
- Compromise the impartiality of people who work for your authority.
- Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
- Bully, intimidate or attempt to intimate others.
- Use your position improperly for personal gain or to advantage your friends or close associates.

- Attend meetings or be involved in decision-making where you have a prejudicial interest – except when speaking when the general public are also allowed to do so.
- Disclose confidential information, other than in exceptional circumstances – refer to the Code of Conduct and the Standards for England guide if you are unsure.
- Prevent anyone getting information they are entitled to.

Personal and Prejudicial Interests

You have a personal interest if the issue being discussed in the meeting affects the well-being or finances of you, your family or your close associates more than most other people who live in the area affected by the issue. Personal interests are also things that relate to an interest you must register.

Prejudicial interests are personal interests that affect you, your family, or your close associates in the following ways:-

- their finances, or regulatory functions such as licensing or planning which affect them
- and which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair your ability to judge the public interest

If you have a personal interest you must normally declare it in the meeting.

If the personal interest arises because of your membership of another public body, you only need to declare it if you intend to speak.

If you have both a personal and prejudicial interest you must not debate or vote on a regulatory or financial matter, but you do have the same right to speak as a member of the public.

There are exemptions to both types of interests and when they must be declared. The Monitoring Officer will advise you.

(5) WORK OF COMMITTEE 2010/11

(a) Partnership Governance

The Committee continued last years work in looking at the governance of significant partnerships in which the Council is involved. Specific consideration was given to proposals for a monitoring regime to ensure that areas for improvement were implemented and that outcomes and benefits derived from the partnerships were identified.

The committee also considered a paper from Standards for England regarding partnership behaviour protocols. They noted and approved an updated Council document entitled "Partnership Governance Compliance – Good Practice 2011", which took account of and included issues from the Standards for England protocol.

(b) Maltby Town Council – Mediation

The Committee approved the final version of the report from MESH, the mediators appointed following directions from Standards for England and the Standards Committee to provide conciliation services following a series of complaints regarding the conduct of members of Maltby Town Council. They approved publication of the report and the Vice Chair attended a meeting of Maltby Town Council at which the mediators presented the report.

(c) Ethical Audit

A Working Group of Standards Committee Members, chaired by Mrs. A Bingham, the Vice-Chair of the Standards Committee, was appointed to consider the responses to the previous year's Ethical Standards Survey. The group met regularly and Cllr Alex Sangster, Chair of the Audit Committee, was invited to attend, thereby maintaining the relationship between the two committees. Survey responses from members and officers were considered by the Working Group, and the action points identified in relation to these were subsequently discharged.

Particular consideration was given to Parish Councils response to the ethical standards survey. The Working Group and the Committee considered ways of working more closely with Town and Parish Councils, including the possible adoption of a compact tool kit that had been developed jointly by Standards for England, the National Association of Local Councils and the Society of Local Council Clerks. Whilst interests in this appeared to be limited, it was felt that it would be helpful to return to this issue later this year in view of the proposals contained in the Localism Bill which is presently before parliament. If the present statutory regime were to be abolished, voluntary compact or protocol between the Committee and Town and Parish Councils might be beneficial.

The Working Group and the Standards Committee agreed the format of a questionnaire to be submitted to Parish Clerks. Its purpose was to identify the current training made available to Parish Councillors and the method of its delivery, and, by extension, inform the Standards Committee's decision on the provision of future support. The questionnaire responses indicated that the majority of Parish Councils wanted the decision on future support to be deferred until after the Town and Parish Council elections in May.

It was therefore agreed to return to this matter later in the year, and the Vice-Chair of the Standards Committee attended a Parish Network meeting where she outlined the responses received and explained the course of action proposed by the Committee.

(d) Review of Assessment Criteria

The Committee carried out a review of the local assessment criteria which it has agreed for use by assessment panels and review panels when considering allegations that members may have broken the code.

Following on from this, the Committee looked in more detail at further guidance as to when members are acting or giving the impression that they are acting as a Councillor or Council representative, which determines whether or not the code of conduct is applicable and is not always clear. They also looked in more detail at guidance on failure to treat others with respect, which is one of the most frequent allegations of breach.

(e) Review of Complaints

The committee considered a report summarising the complaints made against members of the Borough Council and Town and Parish Councils within the Borough over the last year. The report set out the breakdown of complainants, outcome of the allegations, paragraphs of the code to which the allegations referred, timeliness of decisions and cases referred to the Monitoring Officer for action other than investigation. The report also made some comparison between local and national statistics.

(f) First Tier Tribunal

The committee considered decisions of the first tier tribunal in respect of allegations concerning a member of Bramley Parish Council and a member of Wales Parish Council. In both cases allegations had originally been made to the Standards Committee. In the former case the allegation had been referred to Standards for England for investigation and in the latter case, the matter had been referred to the tribunal following consideration of an investigation report commissioned by the Monitoring Officer.

(g) Blogging

The Committee considered guidance from Standards for England on blogging and social networking and decided that the guidance should be distributed to all Members of the Council.

(h) Confidential Reporting Code

The Committee reviewed the operation of the confidential reporting code which it does on an annual basis. Consideration was given to the deliberations of the Working Group regarding the need to improve further the awareness level of the code and to discussion held at focus groups following the latest employee opinion survey. It was agreed to make some minor amendments to the code including the addition of wording to the effect that the Council had a responsibility to support anyone wishing to raise concerns under the code. Measures should then be taken to re-launch the code.

The Committee also requested a full account of one particular case which had been raised under the code. Following consideration of the report into that case the Committee felt that appropriate action to investigate the allegations and to mitigate future risks have been taken. The Committee nevertheless felt that the policy should be reviewed further to identify potential improvements.

(i) Localism Bill

Following the publication of the bill in December 2010, the Committee considered an initial report on the proposed legislation in relation to standards and a more detailed report set out in detail the significant changes that would result. It was noted that whilst it would still be a statutory requirement for a relevant authority to promote and maintain high standards of conduct by Members, the adoption of a code of conduct and the appointment of a standards committee would cease to be statutory obligations, although authorities could undertake them on a voluntary basis.

(i) Future of the Standards Committee

In view of the proposals in the Localism Bill the Committee gave consideration to future arrangements within the Council should the Bill be enacted in its present form. They noted that despite the prospective repeal of the requirement to establish a Standards Committee, the Council and Town and Parish Councils within the Borough would be under a continuing duty to promote and maintain high standards of conduct by members. They also felt that the repeal of the model code would leave many areas of conduct potentially unregulated. Accordingly the Committee has recommended that a Standards Committee continue to be appointed by the Council and that the Council should adopt a voluntary code of conduct at the present time.

(k) Other

The Committee considered various papers relating to aspects of the ethical standards framework from Standards for England and the Association of Council Secretaries and Solicitors. There was however less advisory and comparative material from Standards for England than in the previous year, no doubt in anticipation of the proposed abolition of that body.

(6) SUMMARY OF COMPLAINTS RECEIVED DURING THE YEAR

Between 22nd April 2010 and 30th April 2011, 16 allegations that Members were in breach of the Code of Conduct have been considered by Assessment Panels of the Standards Committee. This represents a considerable reduction in the number of allegations from the previous year, when 38 were considered.

Of the 16 allegations, 2 were against members of the Borough Council (1 of which was withdrawn) and the remainder were against members either of Town or Parish Councils. The parish councils against whose members were the subject of allegations were –

- Anston Parish Council (8);
- Maltby Town Council (6)

4 allegations were made by members of the public and 11 by Town or Parish Councillors. In one case the allegation was submitted by members of the public and a Councillor.

In 13 of the cases the decision of the Assessment Panel was that no action should be taken. 1 case was referred to the Monitoring Officer for investigation and 2 cases for action other than investigation.

Reviews were requested in 5 of the cases. In 4 of these the Review Panel upheld the decision of the Assessment Panel to take no further action. In the other case, the Review Panel directed the Monitoring officer to take action other than investigation.

In the case of the allegation referred for investigation by the Monitoring Officer, the investigating officer found no breach of the code and this was accepted by the Committee.

No cases were referred to Standards for England during the year. However the Committee did refer to the first tier tribunal an allegation where a local investigation had found a breach of the code. This resulted in a member of a Parish Council being suspended for the remainder of his term of office. A case referred to Standards for England during the previous year was also considered by the first tier tribunal during the year and this also resulted in a Parish Councillor being suspended, for a period of 6 months.

Paragraphs of the code to which the complaints made during the year appeared to relate are as follows, based solely upon the allegations submitted. In many of the cases more than one paragraph of the code could potentially have been relevant.

3 (1) – you must treat others with respect – 10 cases

3 (2) (b) – you must not bully any person – 1 case

4 (a) – you must not disclose information given to you in confidence – 1 case

5 – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute – 12 cases

6 (a) - you must not use or attempt to use your position as a Member improperly – 2 cases

6 (b) – you must ensure that the Council's resources are not used improperly for political purposes – 1 case

6 (c) – you must have regard to any applicable local authority code of publicity – 1 case

Paragraphs 8 – 12- failure to disclose personal / prejudicial interests – 4 cases.

This is a similar pattern to the previous year, with allegations of failure to treat to others with respect and bringing your office or the Council into disrepute being the most common.

(7) TRAINING

The Monitoring Officer presented a session for Council Managers on ethical standards and codes of conduct in November 2010.

In the week commencing 21st February 2011, the Monitoring Officer provided 3 Training sessions for Borough Councillors and Town and Parish Councillors on Training. These covered the requirements of the code of conduct, a range of examples for discussion drawn from reported cases and a look ahead to the proposals contained in the Localism Bill and their implications.

The Monitoring Officer provided induction training for newly elected members immediately following the elections in May. This covered the requirements of the code and briefly looked ahead to possible future changes.

(8) ISSUES FOR THE YEAR AHEAD

The main issue seems sure to be how the Council will deal with standards issues if the proposals in the Localism Bill are enacted largely in their present form.

At its July meeting, the Council adopted the recommendations of the Committee that a Standards Committee should continue to be appointed by the Council and that the Council should adopt a voluntary code of conduct at the appropriate time. Consequently, further work will need to be done both as to the composition of the Committee and its terms of reference and the content of the voluntary code of conduct. Further consideration will also need to be given to the relationship between the Borough Council and the Town and Parish Councils within the Borough. Whilst statutory jurisdiction of the Standards Committee would cease, the Town and Parish Councils would themselves be under a duty to promote and maintain high standards of conduct and may adopt a voluntary code. The Borough Council may be able to assist them with this through the voluntary Standards Committee.

The Bill also provides for the making of regulations to govern the registration and declaration of Members' interests, with potential criminal sanctions for non compliance. The implications of these regulations will need to be considered and advice and guidance given to Members.

Other areas of work for the committee over the next year are likely to include:-

- A further ethical audit survey
- A review of the member / officer protocol (outstanding from the previous year)
- A review of the planning code (postponed because of uncertainty over the future of the current code of conduct and the planning proposals contained in the localism bill)
- Further consideration of Members' web pages following the recently issued revised publicity code.
- Further monitoring of areas considered during the past year including partnership governance and the confidential reporting code.

Overall, this is likely to be not only another busy year for the Standards Committee but a year which will require the management of very considerable change.

APPENDIX 1

STANDARDS COMMITTEE – TERMS OF REFERENCE

1. To promote and maintain high standards of conduct by the members and co-opted members of the Council.
2. To assist members and co-opted members of the Council to observe the Council's Code of Conduct.
3. To advise the Council on the adoption and revision of its Code of Conduct, taking into account the Model Code of Conduct, guidance from the Standards Board for England and elsewhere, and existing good practice within the Council.
4. To monitor the operation of the Code of Conduct and recommend revisions as appropriate, and to ensure that the Code is fully understood and applied throughout the Council.
5. To advise, train or arrange to train members and co-opted members of the Council on matters relating to the Code of Conduct.
6. To give dispensation to Members and Co-opted Members of the Council under the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.
7. To carry out similar functions to those above in relation to the Parish Councils for which the Council is the responsible authority and the members of those Parish Councils.
8. To review arrangements as to the declarations of interest of members, co-opted members and officers, to monitor the operation of such arrangements and to offer advice on their application.
9. To review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct whilst not forming part of it.
10. To establish Sub-Committees:-
 - (a) To carry out the initial assessment of written allegations that members of the Council or of a Parish Council have failed to comply with the Code of Conduct.
 - (b) To review at the request of the person making the allegation any decision to take no action.

- (c) To receive the report of the Monitoring Officer (or person nominated by him) into any complaint referred to the Monitoring Officer and, following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.
- 11. To consider any report made to the Committee or the Monitoring Officer by an Ethical Standards Officer following an investigation into an allegation of a breach of the Code of Conduct and following consideration of such report to take any action prescribed by the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.
- 12. To consider any other recommendations, guidance or direction referred to the Committee or the Monitoring Officer by an Ethical Standards Officer or the Standards Board for England.
- 13. To provide any information required by the Standards Board for England regarding the exercise of the Committee's functions.
- 14. To consider any application for exemption from political restriction made to the Committee by the holder of any post under the Council and to give directions to the Council requiring it to include a post in the list of political restricted posts maintained by the Council.
- 15. To establish and monitor the operation of Complaints Procedures and Whistleblowing Procedures.
- 16. To review the application of the Council's Standing Orders, Financial Regulations, contract arrangements and other such provisions.
- 17. To review and comment upon the Council's procedures and Codes of Practice relating to public access to information, confidentiality and arrangements for data protection.
- 18. To review the procedures for appointment of Council representatives to outside bodies and to make recommendations to the Council or the Cabinet as necessary.
- 19. To consider reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate.
- 20. To consider and offer advice and guidance as appropriate on other matters which in the view of the Committee or the Council's Monitoring Officer could have a bearing on public perceptions of the honesty and integrity of the Council, its members, co-opted members and officers.

21. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred for attention by the Council or the Cabinet which further the aim of promoting and maintaining the highest standards of conduct within the authority.

In these Terms of Reference “co-opted member of the Council” means a person who is not a member of the Council, but who:-

- (a) is a member of any Committee or Sub-Committee of the Council, or
- (b) is a member of and represents the Council on any Joint Committee or Joint Sub-Committee of the Council

and who is entitled to vote on any question which falls to be decided at any meeting of that Committee or Sub-Committee.

Revised

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Council
2.	Date:	2nd November, 2011
3.	Title:	Absence from Council due to illness
4.	Directorate:	Chief Executive's

5. Summary

To consider approving the absence of Councillor Blair from meetings of the Council as a result of illness.

6. Recommendations

It is recommended that the Council note Councillor Blair's failure to attend council meetings due to long-term illness and, for the purposes of section 85 (1) of the Local Government Act 1972, approve his absence from council meetings so long as he remains unfit to attend due to illness.

7. Proposals and Details

Section 85(1) of the Local Government Act 1972 provides that if a Member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the Authority he shall, unless the failure is due to some reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority.

Councillor Blair is suffering from a serious illness and has been unable to attend any meetings of the Council since that date.

It is open to the Council to approve Councillor Blair's illness as a reason for his non-attendance.

8. Finance

There are no financial implications arising from this report.

9. Risks and Uncertainties

If the reason for Councillor Blair's absence is not approved he is unable to attend any Council meeting.

10. Policy and Performance Agenda Implications

The Council has given approval in the past where a Member has had serious health problems.

11. Background Papers and Consultation

Not applicable.

Contact Name:

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