

STANDARDS COMMITTEE
12th March, 2015

Present:- Councillor Gosling (in the Chair); Councillors Finnie, Middleton, Pitchley, Roddison, Sansome, Parish Councillors D. Bates and D. Rowley and also Mr. I. Daines, Ms. A. Dowdall, Mr. P. Edler, Ms. J. Porter and Mrs. C. Saltis (Independent Members).

Also in attendance Mr. D. Roper-Newman and Mr. P. Beavers (Independent Persons).

An apology for absence was received from Parish Councillor Swann.

B20 MINUTES OF THE PREVIOUS MEETING HELD ON 11TH DECEMBER 2014

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 11th December, 2014 be approved as a correct record.

B21 UPDATE FROM THE MONITORING OFFICER ON THE HANDLING OF COMPLAINTS

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which provided the Committee with an update with regard to the handling of complaints of breaches of the Code of Conduct and the steps taken to consider and respond to allegations that the Code of Conduct for Elected Member has been breached. Specific cases referred to were:-

1. A complaint that a member of the public had been assaulted by a Parish Councillor following the conclusion of an Annual Parish Meeting.
2. A complaint that a Borough Councillor had breached the Code of Conduct in a number of ways, including having committed misconduct in public office.
3. A complaint from a member of the public that a Parish Councillor had incorrectly taken the chair at a meeting.
4. A complaint that a Parish Councillor had manipulated the start time of a meeting and used the Member's position to confer an advantage.
5. A complaint that a Parish Councillor had behaved offensively.
6. A complaint that a Borough Councillor inappropriately failed to exercise his discretion at a meeting.

7. A complaint that a Borough Councillor had acted inappropriately with regard to a commercial concern.
8. A complaint that Borough Councillors failed to disclose pecuniary interests, in breach of the Code of Conduct.
9. A complaint that a Borough Councillor acted inappropriately in a Council meeting.
10. A complaint that a Borough Councillor had abused his position in respect of a licensing application.
11. A complaint from a member of the public that a Borough Councillor had failed to disclose an interest in respect of a regulatory matter.
12. A complaint from a member of the public about inappropriate use of Council resources.
13. A complaint from a member of the public about a disclosure of confidential information by a Councillor.
14. A complaint by officers that a Borough Councillor demonstrated inappropriate behaviour to officers.
15. A complaint that a Parish Councillor refused to step down from a position within the Parish Council.
16. A complaint by a Parish Councillor that another Parish Councillor disclosed confidential information
17. A complaint by a Parish Councillor that another Parish Councillor had used her position to confer an advantage.
18. A complaint by a Parish Councillor that another Parish Councillor had acted in breach of the Code of Conduct in that he did not treat fellow Councillors with respect.
19. A complaint by a Parish Councillor that a fellow Parish Councillor abused their position.
20. A complaint by a Parish Councillor that a fellow Parish Councillor breached the Code of Conduct by accusing her of lying in a statement to the Considerations and Hearing Panel.
21. Several complaints were received from Parish Councillors about the behaviour of a fellow Councillor in Council Meetings.

The Standards Committee considered the complaints as submitted.

Clarification was sought on the closure of case files when further information requested was not received and whether an alternative approach had been considered.

It was also noted that some of the complaints related to matters that could be dealt with by each Parish Council's Standing Orders.

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

(2) That the actions that have been taken to resolve the complaints be noted.

B22 REPORT OF THE MONITORING OFFICER IN RESPECT OF ISSUES ARISING AT ANSTON PARISH COUNCIL

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which provided an update about issues arising at Anston Parish Council.

Over the last few years concerns have been increasing regarding the behaviour of Anston Parish Council Councillors. The Monitoring Officer had, in the last two and a half years, received over thirty-five complaints in relation to alleged breaches of the Code of Conduct.

A huge amount of work has been undertaken by the Independent Members, the Monitoring Officer and Councillors in order to resolve the situation, but all efforts have had little effect.

There has been one formal investigation which had led to a meeting of the Considerations and Hearing Panel. The Panel concluded that the behaviour in that case amounted to breaches of the Code of Conduct.

The Monitoring Officer expressed concern that relationships were not improving with the Parish Council being hindered in considering its proper business. It was, therefore, suggested that the Committee consider two options to deal with the problem:-

- **Offer dispute resolution "intervention"**

Use of a consultancy firm led by a former senior officer at the Standards Board for England working on five phased areas of work.

The indicative cost of this intervention was £8,000 and this cost would be covered by the Parish Council.

The Monitoring Officer recommended that this intervention be offered to the Parish Council

- **Abolish or merge the Parish Council with another Parish Council**

In order to abolish or merge a Parish Council the Borough Council must undertake a community governance review and in order to abolish an existing Parish the Borough Council must show that community governance review was in response to "justified, clear and sustained local support" from the area inhabitants.

This would be an option of last resort.

In addition, it was noted that Phil Beavers, Independent Person, who had been working with Anston Parish Council had agreed to attend the next meeting. He outlined the current situation and the problems that were continuing. Whilst the option to offer dispute resolution intervention would be welcomed by some, the problems were caused by a small minority.

Despite all the work that had been done so far the complaints against certain members of the Parish Council continued. It was now up to the electorate of Anston to make any changes to the Parish Council membership at the forthcoming elections in May. It was, therefore, suggested that Phil Beavers, Independent Person, attend the first meeting of the Parish Council after the election and report back to the Standards Committee on the outcome.

The Committee considered the two options on the table and considered them both in detail.

The Committee noted the position with the Yorkshire Branch of the National Association of Local Councils who had been asked to lobby the Government about the sanctions that could be imposed against Parish Councillors.

The Committee suggested that any further work with Anston Parish Council be delayed until the outcome of the May elections was known.

Resolved:- (1) That the options to resolve issues arising at Anston Parish Council be placed on hold until the results from the May election were known.

(2) That Phil Beavers, Independent Person, attend the next meeting and first meeting of the newly elected Anston Parish Council and report his findings back to the Standards Committee in due course.

B23**OUTCOME OF STANDARDS HEARING REGARDING THE ALLEGED BREACH OF THE CODE OF CONDUCT**

Consideration was given to a report presented by Stuart Fletcher, Investigating Officer, which detailed the outcome of the Standards Hearing which took place on the 23rd February 2015, in relation to an

alleged Breach of the Code of Conduct by a Parish Councillor at Anston Parish Council, where it was alleged he assaulted a member of the public by slapping him across the face, after the Annual Parish Meeting held on 29th April, 2013.

The original hearing was adjourned on the 20th November, 2014 to allow the Parish Councillor the opportunity to obtain legal representation, to have an independent observer present (not being a person who attended the Annual Parish Meeting on 29th April 2013) and the opportunity to discuss the case with the Independent Person, David Waxman.

As such the final hearing of this matter took place on 23rd February, 2015 the Parish Councillor chose not to attend the hearing

The Panel concluded that the Parish Councillor's conduct at the Annual Parish Meeting was within the scope of the Code of Conduct.

As the Panel found that the Code of Conduct did apply to the Parish Councillor in those circumstances, it then considered whether his actions were in breach of the Code of Conduct. Having heard and considered the evidence, the Panel was satisfied that on 29th April 2013 the Parish Councillor did assault a member of the public and, thereby, was in breach of the Code of Conduct.

The Panel was satisfied that in assaulting a member of the public, the Parish Councillor did not treat that person with respect and was seeking to bully him, which was in direct contravention of the Code.

The Panel was also satisfied that the Parish Councillor's aggressive behaviour at the Annual Parish Meeting brought both the office of the Parish Councillor and Anston Parish Council into disrepute.

The Panel considered the sanctions that would be appropriate in this case which they unanimously agreed.

The Committee were asked to consider the possibility of publicising the decision and were in agreement that the notice of this hearing should be published in some form.

(1) Resolved:- (a) That the sanctions imposed by the Panel at the hearing be noted.

(b) That the appropriate action be taken to ensure these sanctions were implemented.

(2) Recommended:- That Council approves that details of the decision and the surrounding circumstances be published.

B24 REPORT ON THE GOVERNMENT INTERVENTION

Consideration was given to the report presented by Jacqueline Collins, Monitoring Officer, which set the details of the Secretary of State for Communities and Local Government and the Secretary of State for Education's Directions under Section 15(5) and (6) of the Local Government Act 1999 and Section 497A(4B) of the Education Act 1996 in relation to Rotherham Metropolitan Borough Council to secure its compliance with the best value duty and to secure that the Authority's children's social care functions were performed to the required standard.

The report set out in detail the nature of the Directions, introduced the Commissioners, their roles, powers to be exercised and the decision-making and accountability of the Commissioners, roles of the Leader, Cabinet and Members, appointment of statutory officers, appointment to other bodies, Directions to the Authority, duration of the intervention and order moving Rotherham Council to all out elections from 2016.

The representations made by the Council requested further information from the Department for Communities and Local Government relating to the constitutional implications and practical operation of the proposed intervention.

The Committee asked a number of questions relating to the roles of the Commissioners, the current status of the Council's Confidential Reporting Policy or "whistleblowing", which had been picked up in the Jay and Casey reports and which was also raised at the Joint Consultative Committee with the Trades Unions.

Resolved:- (1) That the contents and effects of the Directions dated 26th February, 2015 be noted.

(2) That the appointed Commissioners in the exercise of their functions as described in the Directions dated 26th February 2015 be fully supported.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING URGENT ITEM IN ORDER TO SHARE THE DETAILS AND RECOMMENDATIONS FROM AN ADVISORY PANEL OF INDEPENDENT MEMBERS)

B25 EXCLUSION OF THE 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 the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relates to an individual).

B26 STANDARDS COMMITTEE ADVISORY PANEL OF INDEPENDENT MEMBERS

Jacqueline Collins, Monitoring Officer, reported on the Advisory Panel of Independent Members which had met earlier today to consider whether two separate complaints relating to breaches of the Code of Conduct should be investigated further.

The Chair of the Advisory Panel, Peter Edler, explained how the Panel had considered the details of the complaints.

The Panel were unanimous in their decision on whether to refer the allegations to the Standards Committee for further investigation.

Resolved:- That the recommendation to the Standards Committee to investigate the allegations about the behaviour and use of language and the disclosure of confidential information be noted.

B27 DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place at the Town Hall, Rotherham on Thursday, 11th June, 2015, commencing at 2.00 p.m.