

STANDARDS COMMITTEE
11th June, 2015

Present:- Beck (in the Chair); Councillors Alam, Finnie, Hughes, Pitchley, Bates and Rowley and also Ms. A. Dowdall, Mr. P. Edler and Mrs. C. Saltis.

Apologies for absence were received from Councillor Beaumont, Fleming, Taylor and Swann and I. Daines and Porter.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING INFORMATION IN ORDER TO SHARE KEY DETAILS WITH THE STANDARDS COMMITTEE)

2. FUTURE ROLE OF THE STANDARDS COMMITTEE

The Chairman shared details of a meeting that had taken place between himself and Commissioner Sir Derek Myers relating to a number of issues, including the future of the Standards Committee.

The Commissioners were keen for Elected Members and Officers to demonstrate high standards of conduct and firmly believed the Standards Committee had a prominent role in the delivery and promotion of a healthy culture.

A review was, therefore, proposed to be undertaken on the Standards Committee looking specifically at its areas such as role, terms of reference, whistleblowing procedure and membership.

A scoping meeting would be arranged following today's meeting with the Monitoring Officer, which would also involve Independent Members and Parish Councillors.

Clarification was sought on the detail regarding the role and membership of the Standards Committee, given the review that had taken place in 2012 following the implementation of the Localism Act 2011 and the limited powers now available to Standards Committees across England.

The Chairman emphasised the need for a more robust process and a detailed look at procedures in order to assist the Council moving forward following the period of intervention. The timeframe was tight as it was anticipated that the work involving the Standards Committee would feed into the quarterly reports as part of the Council's Improvement Plan submitted by the Commissioners to the Secretaries of State.

The Monitoring Officer also pointed out that the Confidential Reporting Code was to be presented to the Standards Committee on an annual basis and this would be submitted for consideration at a future meeting.

The Committee were in agreement that every opportunity should be taken to look to strengthen the powers of the Standards Committee.

3. SENIOR OFFICERS DISCIPLINARY PANEL

Jacqueline Collins, Monitoring Officer, drew attention to the new legislation relating to the dismissal of the Monitoring Officer, Section 151 Officer and the Chief Executive and the new arrangements which had been approved by Full Council.

The membership of the Senior Officers Disciplinary Panel would comprise the Chairman and Vice-Chairman of the Standards Committee, Leader of the Opposition and the two appointed Independent Persons.

Resolved:- That the information be noted.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH MARCH, 2015

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 12th March, 2015 be approved as a correct record

5. MONITORING OFFICERS UPDATE ON 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 had been breached. Specific cases referred to were:-

1. At the previous meeting of the Committee a report was submitted stating that a Parish Councillor had complained that another Parish Councillor had disclosed confidential information.
2. Also at the previous meeting there was a complaint that the same Parish Councillor had not treated fellow Councillors with respect.
3. A complaint by a voluntary organisation that a Parish Councillor had used his position to stop funding for a project.
4. A complaint by a Parish Councillor that another Parish Councillor had prevented him from raising a concern at a Parish Council meeting.

5. A complaint by a staff member of Rotherham Metropolitan Borough Council that a Member of Rotherham Metropolitan Borough Council had made inappropriate comments.
6. A complaint by a member of the public that a member of Rotherham Metropolitan Borough Council had failed to respond to correspondence.
7. A complaint by a Parish Councillor that another Parish Councillor had called her a liar and called the Standards Committee a 'shambles and 'kangaroo court'.

The Standards Committee considered the complaints as submitted.

An investigation had now been completed in respect of complaint Nos. 1 and 2 and nominations were sought from the Standards Committee to consider the outcome.

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.

(3) That a Panel comprising Councillors Finnie and Pitchley and Parish Councillor Rowley be convened to consider the investigation relating to complaint Nos. 1 and 2 above.

6. UPDATE ON 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.

Members decided to put the matter 'on hold' and review after the election and to ask Mr. Phil Beavers, Independent Person, to attend the first meeting of the newly elected Anston Parish Council and report his findings back in due course.

In terms of the present position the Parish Council Elections were uncontested and, therefore, the persons mentioned in the report were automatically re-elected. Two longstanding members of the Parish Council resigned.

Since the last meeting of the Standards Committee there have been two further complaints about Anston Parish Council members. One complaint was not considered to be a breach of the Code and the other one arose out of a previous hearing of a complaint by the Hearings and Assessment Sub-Committee.

The suggestion of offering dispute resolution 'intervention' to the Parish Council which was agreed at the last meeting of the Standards Committee was put to the Parish Council meeting on 16th March, 2015. However, no decision had been minuted in this regard.

Phil Beavers, Independent Person, gave an update on his involvement with the Parish Council, which had previously been highly politically driven, but now had more independent representation.

The sanctions recommended by the Standards Committee which had been considered prior to the election had initially been taken forward with the Parish Councillor being removed from all Committees. However, since the election, the Parish Councillor concerned had become Vice-Chairman and his representations on various membership and bodies restored.

At this moment in time there was little merit in further intervention. Councillor Jepson, Independent, was now Chairman and taking matters forward. It was unclear whether the hostility that was around prior to the election was still evident. Assistance would, therefore, be offered to the Monitoring Officer should there be any further cause for concern.

Councillor Hughes, Vice-Chairman, provided a further update and explained about his historical involvement with Anston Parish Council previously. He pointed out that residents in the area were paying the highest precept charges and may wish to consider looking at a community governance review to consider whether a Parish Council was warranted.

The Committee again raised the issue of what powers and sanctions they had been afforded arising from the Localism Bill 2011, but hoped that the change in membership of the Parish Council would now allow them to concentrate on matters in the community.

Resolved:- (1) That Mr. Phil Beavers, Independent Person, be thanked for the tremendous amount of work and effort he had put into Anston Parish Council.

(2) That no further action in respect of Anston Parish Council be undertaken at present, but the matter be kept under review.

7. REPORT OF A PROSECUTION UNDER THE LOCALISM ACT 2011

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which detailed a recent conviction of a Councillor under the provisions of the Localism Act 2011 for an offence relating to a failure to declare a pecuniary interest.

The Councillor received a six month conditional discharge and was ordered to pay £930 costs.

Resolved:- That the conviction be noted.

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

8. 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).

9. 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 or not to recommend that the Standards Committee should direct an investigation of a complaint relating to a breach of the Code of Conduct.

The members of Advisory Panel 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 be to investigate the allegations about a breach of the Code of Conduct be noted.

10. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place at the Town Hall, Rotherham on Thursday, 10th September, 2015, commencing at 2.00 p.m.