

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	10 th September 2015
3.	Title:	Outcome of Standards Hearing re Alleged Breach of the Code of Conduct
4.	Directorate:	Resources and Transformation

5. Summary

- 5.1 This report sets out the outcome of a Standards Hearing which took place on 19th August 2015 in relation to an alleged breach of the Code of Conduct for Members by Stuart Thornton a Parish Councillor at Anston Parish Council.

6. Recommendations

- 6.1 It is recommended that the Standards Committee:
- 1) Note the sanctions imposed by the Panel at the hearing
 - 2) Take the appropriate action to ensure these sanctions are implemented

7. Proposals and Details

- 7.1 An investigation has been ongoing into two complaints received by the Monitoring Officer in respect of possible breaches of the Code of Conduct by a Parish Councillor at Anston Parish Council.
- 7.2 The first complaint was that on two occasions, Councillor Thornton had breached the Code of Conduct on 9th July 2014 and 16th August 2014 when he accused a fellow councillor of being 'corrupt'.
- 7.3 The pertinent parts of the code are:
(Paragraph 3)
(1) You must treat others with respect.
(2) You must not
 b) bully any person
(Paragraph 5)
You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

The second complaint was that on 17th June 2014 Councillor Thornton divulged confidential information.

The pertinent part of the Code is:

(Paragraph 4)

You must not-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware is, of a confidential nature, except where-
 - (i) you have the consent of a person authorised to give it
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

- 7.4 The hearing of the matter was adjourned from 15th July 2015 as Councillor Thornton informed the Council he would not attend on that day and finally heard on 19th August 2015. Councillor Thornton did not attend the hearing.
- 7.5 The Investigating Officer presented the report of her investigation into whether there had been breaches of the Members Code of Conduct which had been adopted by Anston Parish Council and which fell within the remit of Rotherham Metropolitan Borough Council's Standards Committee.
- 7.6 The panel heard evidence in respect of the first complaint from a former Parish Councillor who was a Parish Councillor at the time of the alleged breach, that on two occasions Councillor Thornton had called him 'corrupt' He answered questions from members of the panel.
- 7.7 The Panel concluded that Parish Councillor Thornton had breached the Code of Conduct in relation to this complaint.
- 7.8 The Panel then heard evidence in respect of the second complaint, from a former Parish Councillor, who was a Parish Councillor at the time that Councillor Thornton had divulged information provided at a confidential meeting. She answered questions from members of the Panel.

7.9 The Panel concluded that Parish Councillor Thornton had breached the Code of Conduct.

7.10 The Panel considered the sanctions that would be appropriate in this case, and in accordance with the Council's procedure unanimously agreed to:-

- Report its findings to the Parish Council for information
- Recommend to Rotherham Borough Council publication of the decision that Parish Councillor Thornton had breached the Code of Conduct.
- Recommend to the Parish Council Parish Councillor Thornton's formal censure through an appropriate motion.
- Recommend to the Parish Council that Parish Councillor Thornton be removed from all outside appointments to which he has been appointed or nominated by the Parish Council.
- Recommend to the Parish Council the removal of Parish Councillor Thornton from any or all of its committees or sub-committees.

8. Finance

8.1 It is estimated that the hearing and investigation into this matter in respect of time of officers amounts to approximately £1000. The cost of the independent Person from Sheffield MBC is expected to be in the region of £100.

8.2 Other time and therefore indirect costs related to this matter are the time of witnesses who gave evidence and statements and the time of members of the Standards Committee who formed the Panel which heard the matter.

9. Risks and Uncertainties

9.1 There is a risk that if incidents of possible breaches of the Code of Conduct are not investigated properly and considered by the Standards Committee, the Code of Conduct will not be properly respected and adhered to.

10. Policy and Performance Agenda Implications

10.1 Standards Committee – responsibility for promoting ethical standards. The Council has a statutory duty to promote high ethical standards.

11. Background Papers and Consultation

11.1 Previous investigation reports.

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