

**STANDARDS COMMITTEE  
10th September, 2015**

Present:- Councillor Beck (in the Chair); Councillors Beaumont, Finnie, Hughes, Taylor, Parish Councillors D. Bates, D. Rowley and R. Swann and also Ms. A. Dowdall, Mr. P. Edler, Ms. J. Porter and Mrs. C. Saltis.

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

Apologies for absence were received from Councillors Alam and Fleming.

**17. MINUTES OF THE PREVIOUS MEETING HELD ON 16TH JULY, 2015**

Consideration was given to the minutes of the previous meeting held on 16<sup>th</sup> July, 2015.

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 16<sup>th</sup> July, 2015 be approved as a correct record.

**18. UPDATE ON STANDARDS COMMITTEE WORKING GROUP**

The Chairman gave a verbal update on the progress of the Working Group, which had met immediately prior to this meeting.

Consideration had been given to the procedure for the reporting of complaints, the need for this to be strengthened and for a more transparent and robust process. A revised procedure would be submitted to the next meeting of the Working Group for consideration.

In addition, the Working Group received a report relating to possible sanctions in relation to Member conduct and attendance. A good discussion took place with some acknowledgement that many of the sanctions were voluntary.

Some thought was also given to the proposed work plan going forward for the Standards Committee, which would be included on the next meeting's agenda, along with the Member/Officer Protocol, how to raise the profile of the Standards Committee and promotion of the work of the Committee through the website.

Resolved:- That the information be noted.

**19. UPDATE ON THE HANDLING OF COMPLAINTS OF POSSIBLE BREACHES OF THE CODE OF CONDUCT FOR MEMBERS**

Consideration was given to a report presented by the Interim Director of Legal and Democratic Services which provided an update on the handling of complaints relating to breaches to the Code of Conduct and the subsequent steps taken.

At the previous meeting the Committee were informed that an investigation was to be undertaken into allegations that a Parish Councillor:-

- Had disclosed confidential information.
- Had not treated fellow councillors with respect.

These cases were referred to a Panel of the Standards Committee which met on 19th August, 2015 following a previous adjournment. The Panel found that on both grounds the Parish Councillor had breached the Code of Conduct.

A number of new complaints had also been received since the last meeting:-

- An anonymous complaint that a Borough Councillor had not treated a member of the public with respect.

The Monitoring Officer arranged for the views of the Elected Member involved to be obtained and on receiving information to the background of the matter, decided to take no further action on the matter.

- A complaint by a Parish Councillor that a Borough Councillor had brought the office of Councillor into disrepute.

The Borough Councillor had been contacted and asked for views on the complaint. The matter is still being considered.

- A complaint by a member of the public that a Parish Councillor had brought the office of Councillor into disrepute and had attempted to bully the complainant.

The Monitoring Officer informed the complainant that she did not intend to investigate as the facts outlined appeared to be the 'rough and tumble' of politics. The complainant was not satisfied with decision of the Monitoring Officer and asked that the matter be reviewed. The Independent Person was then consulted and he agreed with the conclusion of the Monitoring Officer and the complainant was informed accordingly

Resolved:- That the steps taken to resolve the complaints be noted.

**20. REQUEST FOR A DISPENSATION FROM THE REQUIREMENTS OF THE CODE OF CONDUCT**

Consideration was given to a report presented by the Interim Director of Legal and Democratic Services which detailed a request for a dispensation from three Councillors from Ulley Parish Council under the Localism Act 2011.

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The circumstances for the request were outlined as the Parish Council owned the Village Hall which was occupied by a charity called the Ulley Millennium Trust.

In this case two members of the Parish Council were trustees of the Millennium Trust and one Parish Councillor was a committee member of the trust.

As there were only five members of the Parish Council, when issues relating to the Village Hall or the Millennium Trust were discussed, the three members were required to declare an interest and the Council meeting became inquorate.

The circumstances on which the Standards Committee may grant a dispensation were outlined which must specify the period for which the dispensation has effect and must not exceed four years.

Resolved:- (1) That the request for dispensation be approved for a period of four years.

(2) That the grounds on which the dispensation was approved related to the fact that:-

- a. Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the body transacting the business that it would impede the actual transaction of the business;
- b. The granting of the dispensation was in the interests of persons living in the area and
- c. It was appropriate to grant a dispensation.

### **21. WHISTLEBLOWING ALLEGATIONS RECEIVED**

Consideration was given to a report presented by Stuart Fletcher, Service Manager, which outlined the details of an exercise which was undertaken to ascertain how many whistleblowing allegations had been received by the Council over the last three years and, where appropriate, how these allegations had been dealt with.

A total of eight complaints had been received relating to:-

1. An anonymous complaint in relation to an allegation of possible benefit fraud by an employee of the Council. Internal checks did not disclose any matters of concern. The matter was then referred to the Department of Work and Pensions Benefit Fraud Department to take any action deemed appropriate.

As the complaint was anonymous it was not possible to give feedback to the complainant.

2. A complaint about resourcing decisions, lack of recognition and praise from a manager. The complaint was made in 2013. An internal investigation was conducted. The matter was completed in 2015 with all officers involved remaining in the Council.
3. A complaint about working relationships was received and investigated. It became clear that there were irreconcilable differences between the parties.

Within the assistance of ACAS the matter was resolved through Judicial Mediation.

4. An allegation of financial mismanagement at a school. The matter was investigated by the Council's Internal Audit team. The allegations were not substantiated. This matter was reported to the Standards Committee on 12<sup>th</sup> June, 2014.
5. An allegation in November, 2012 about a potential inappropriate relationship between an officer and a contractor. The investigation revealed several procedural weaknesses in awarding contracts, but the complaint was not substantiated. Management were informed and an internal audit report produced.
6. An allegation in November, 2013 of a manipulation of information to meet performance targets. There did appear to be some truth to the allegations, but the manipulation was undertaken by an external contractor. Management were informed and an internal audit report produced.
7. A complaint that staff had removed "scrap metal" belonging to the Council and sold it for profit which the staff kept. The findings supported the evidence and both officers were disciplined and received final written warnings.
8. An allegation in January 2015 that an officer of the Council was engaged in other employment activity whilst on sick leave. The allegation was substantiated and the employee resigned before the disciplinary process was completed.

Details of any allegations received under the whistleblowing procedure/ confidential reporting code were reported annually to the Standards Committee.

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

**22. OUTCOME OF STANDARDS HEARING RE ALLEGED BREACH OF THE CODE OF CONDUCT**

Consideration was given to a report presented by the Interim Director of Legal and Democratic Services which set 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, Parish Councillor at Anston Parish Council.

The first complaint was that on two occasions, Councillor Thornton had breached the Code of Conduct on 9th July and 16th August 2014 when he accused a fellow Councillor of being 'corrupt'.

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

The Panel heard evidence in respect of the first complaint and concluded that Parish Councillor Thornton had breached the Code of Conduct in relation to this complaint.

The Panel then heard evidence in respect of the second complaint and again concluded that Parish Councillor Thornton had breached the Code of Conduct.

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.**

The Committee expressed their disappointment at the limited sanctions available given these sanctions replicated those that had already been imposed on the same Councillor after a previous hearing prior to the election. Since the election the Parish Councillor had been voted into the position of Vice-Chair and the restrictions lifted.

It was agreed that the outcome of the hearing and sanctions imposed be communicated to Anston Parish Council and that they be asked to report back to the Standards Committee in respect of any action taken by them.

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

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

**(2) Recommended:- That the decision by the Panel be published on the Council's website and in the local press.**

**23. 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).

**24. MINUTES OF A MEETING OF THE STANDARDS CONSIDERATION AND HEARING PANEL HELD ON 11TH JUNE, 2015**

Consideration was given to the minutes of a Consideration and Hearing Panel held on 11<sup>th</sup> June, 2015, where it was agreed the allegations be subject to an investigation.

Resolved:- That the minutes of the Consideration and Hearing Panel be noted.

**25. MINUTES OF A MEETING OF A STANDARDS COMMITTEE HEARING PANEL HELD ON 19TH AUGUST, 2015**

Consideration was given to the minutes of a Hearing Panel held on 19<sup>th</sup> August, 2015, where various recommendations were made.

Resolved:- That the minutes of the Hearing Panel be noted.

**26. DATE AND TIME OF NEXT MEETING**

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