

Report of the Standards Committee Working Group

July – Nov 2015

A Welcome from the Chair of the Standards Committee.

The report of Alexis Jay, the Corporate Governance Inspection and Report, and the Government intervention in the Council have clearly had a profound effect on the Council.

A key part of the Commissioners' Improvement journey for the Council been a focus on Standards and ethical conduct within the Council and as such a revitalisation of the Standards Committee.

The Commissioners have made it clear that improvements are necessary to ensure healthy democratic leadership and accountability. A fresher, more prominent standards committee will contribute to the development of a healthier culture within the Council.

Executive Summary

The overarching purpose of the Standards Committee is to promote and maintain high standards of conduct by the members and co-opted members of the Council.

As such the standards committee is responsible for dealing with many more matters than solely complaints about members and co-opted members of the Council and Parish Councils, although this is an important part of its functions.

The remit of Standards Committee is broad and includes, amongst other matters, the promotion of high standards of conduct, the operation of and training on the Code of Conduct and reviewing arrangements for authorising dispensations and registering interests. The Committee therefore contributes significantly to the corporate health of the Council.

In order to help meet the challenges the Council faces, the Standards Committee established a standards committee working group of councillors, an independent person and an independent member on 16th July 2015.

This working group has met several times and reviewed all aspects of the Standards committee's terms of reference including the terms of reference themselves.

The group was assisted by officers from Legal and Democratic services, including the Monitoring Officer and also received professional advice from other officers of the Council, when appropriate.

The working group considered the following issues between 16th July and the 19th November 2015.

- Standards Committee –Terms of reference
- Production of a work-plan for the committee
- The Code of Conduct & supplemental Rotherham version
- Mission Statement
- Name of committee
- Membership of committee
- Procedure for investigation and decisions on complaints
- The production of an annual report by the committee
- Review of the Council whistleblowing procedure
- Publishing the work of the committee
- Refresh the committee website

This report outlines the reason for the work undertaken and reports on progress and its recommendations.

Introduction

On the 16th July 2015, the Standards Committee resolved to establish a standards working group. The reason for establishing such a group was to ensure the Standards Committee contributes effectively to the corporate health of the authority and to ensure healthy democratic leadership and accountability.

The membership of the working group was:

Councillor Beck

Councillor Finnie

Councillor Hughes

Mr P Beavers

Mr P Edler

Mr D Rowley.

The working group met on five occasions between 13th August and 19th November 2015.

The group recommended that the actions outlined in this report be noted and implemented.

1. Standards Committee – Terms of Reference.

The terms of reference were reviewed and minor alterations recommended. It was generally felt the Terms of Reference included all of the correct elements that formed part of the ethical agenda. It was felt that the production of an annual work plan and annual report would help to ensure that all of the relevant issues were fully considered by the Committee.

Further it was felt that it was important for work to be undertaken to actively promote the work of the Standards Committee and as such promote and maintain high standards of conduct by members. This is reflected in the Terms of Reference by the inclusion of the “strapline”/Statement of Purpose, as referred to later in this report, and a reference to the Committee being proactive in its work of promoting high standards of conduct. Further the Terms of Reference were amended to include the Committee working to foster a culture a culture of high standards of conduct, and a commitment to ethical behaviour throughout the Council.

The terms of reference for Doncaster, Sheffield and Barnsley were also considered. It was noted that Barnsley and Doncaster did not have a separate Standards Committee as the requirement for this had been removed by the Localism Act 2011.

The working group considered that in Rotherham the Standards Committee should remain separate in order to demonstrate the Councils commitment to high standards of ethical conduct.

Recommendation 1: that the Terms of Reference for the Standards Committee, at Appendix 1, be adopted.

It should be noted that the requirement to establish a sub-committee to decide whether allegations should be investigated and carry out initial assessments has also been removed following the recommendation of a new procedure for dealing with complaints. This is addressed later in this report.

2. Standards Committee Work-plan

The work plan was considered by the working party on 10th September 2015. As stated above at the moment there is no formal work-plan for the Standards Committee and it was suggested that one be produced in order to enable the Committee to focus on an appropriate range of issues throughout the year. Further this will allow the Standards Committee to be more proactive in its activity throughout the year and ensure that all elements of the Standards Committee Terms of Reference are fully considered by the Committee.

The introduction of a work-plan would provide transparency in the work of the Committee and demonstrate its contribution to the development and corporate governance of the Council.

An example of a suggested work-plan is at Appendix 2.

Recommendation 2: That a work plan be introduced by the Standards Committee

3. Model Code of Conduct

This was considered by the working group on 1st October 2015.

A proposed supplement to the code of conduct entitled:

'A healthy system of democratic leadership and accountability'

was considered by members.

The supplement was suggested by Lead Commissioner Sir Derek Myers and was aimed specifically at members and co-opted members of Rotherham Council.

The suggested supplement provided more transparency for the public to judge the performance of elected members with a tangible statement of purpose for all members.

The working group, whilst welcoming the inclusion of the supplement to the code of conduct, suggested minor amendments and that it be reviewed annually.

Recommendation 3: That the supplement to the Code of Conduct attached at Appendix 3 be adopted by the Council.

4. Mission Statement/Statement of Purpose

The adoption of a mission statement/Statement of Purpose/Strapline was considered on 22nd October 2015.

The reasons for considering a mission statement for the Standards Committee were to:

- Keep uppermost in members' minds, the reason for the Standards Committee.
- Demonstrate the Council's commitment to high ethical standards
- Ensure the purpose and importance of the Standards Committee was made clear to members of the public, especially via the revamped website area.
- Ensure that the Committee acts within its remit.

Recommendation 4: That the following mission statement /strapline be adopted by the Standards Committee:

“Responsible for promoting ethical behaviour and building confidence in local democracy.”

5. Name of the Committee

The name of the Standards Committee was considered by the Working Group at its meeting on 22nd October 2015.

Following the Introduction of the Localism Act 2011, there is no legal requirement for a Standards Committee. However every Council must have arrangements in place for investigating and making decisions on allegations that a member has failed to comply with the Members’ code of conduct. Given the freedoms introduced by the Localism Act, the opportunity was taken to review the name of the Committee.

The current name of the Committee does not wholly reflect the duties and responsibilities of the Standards Committee which as stated above involves more than investigating and deciding allegations of breaches of the Code of Conduct.

At Rotherham, the Standards Committee is responsible for a significant number of other issues. These include oversight of the whistleblowing procedure, granting dispensations and providing training on all aspects of the ethical agenda.

Recommendation 5: That the Standards Committee, in future, be called the Standards and Ethics Committee.

6. Standards Committee Website

This was considered by the working group on 22nd October 2015.

At present, the Standards Committee has its own space on the Council website. However, figures provided at the meeting suggested that it was not used to full effect. It was suggested therefore, that the Standards Committee website area be refreshed and given more prominence and publicity.

The new draft pages of the website give greater explanation and information as to the role, purpose and importance of the Standards Committee, and provide access to all documents relevant to the Standards Committee.

Colleagues from website design attended the working group meeting and suggested various ways of updating the site.

The site is currently under construction and ‘still’ examples are shown below.

Recommendation 6: that the website be refreshed, as indicated. Proposed Front

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What is the Standards Committee?

We all expect councillors and other elected representatives to follow the highest standards of conduct.

Our Standards Committee is responsible for promoting and maintaining high standards of conduct by councillors, independent members and co-opted members.

The committee may get involved in investigating any complaint that a member has broken the code of conduct.

[Find out more](#)

Complain about a councillor

You can complain about the conduct of any member of the borough council or any local parish or town council.

[Make a complaint](#)

Code of conduct

The code of conduct sets out the standards we expect of elected and co-opted borough, parish and town councillors.

[Find out more](#)

See committee meeting documents

Find agendas, reports and minutes for meetings of the Standards Committee.

[Find out more](#)

Contact the Standards Committee

Get in touch if you have a comment or suggestion about the role and work of the Standards Committee.

[Contact us](#)

Annual report and work plan

Our annual report details what we did last year. Our work plan sets out what we'll be working on this year.

[Download the report and plan](#)

Documents and resources

Find and download further information about the work of the Standards Committee.

[See available documents](#)

A word from the Chairman

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[Cllr Dominic Beck](#)
 Chairman, Standards Committee

An independent view

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Forename Surname
 Independent Person, Rotherham Standards Committee



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What is the Standards Committee

Role and functions

Our standards committee is primarily responsible for promoting and maintaining high standards of conduct by councillors, independent members and co-opted members. It is responsible for advising and arranging relevant training for members relating to the requirements of the code of conduct for councillors. It is also responsible for:

- the initial assessment, investigation and determination of allegations of misconduct
- dealing with any alleged breaches by a councillor or other relevant council codes and protocols
- overseeing the probity aspects of internal and external audit
- overseeing the code of conduct for employees
- overseeing the council's confidential reporting code
- granting exemptions on the political restriction of officer posts
- overseeing the council's complaints handling arrangements and performance

This broad remit gives the committee the chance to make a much more meaningful, proactive and positive contribution to the work of the council.

(above is Durham text. Create own based on committee terms of reference.)

[Download the full terms of reference](#)

Committee details

See who sits on the Standards Committee. You can also find agendas, reports and minutes for committee meetings.

[See committee details](#)

Councillors' interests

We maintain a register of certain financial and other interests for each borough, parish and town councillor.

[See interests for borough councillors](#)

[See interests for parish and town councillors](#)

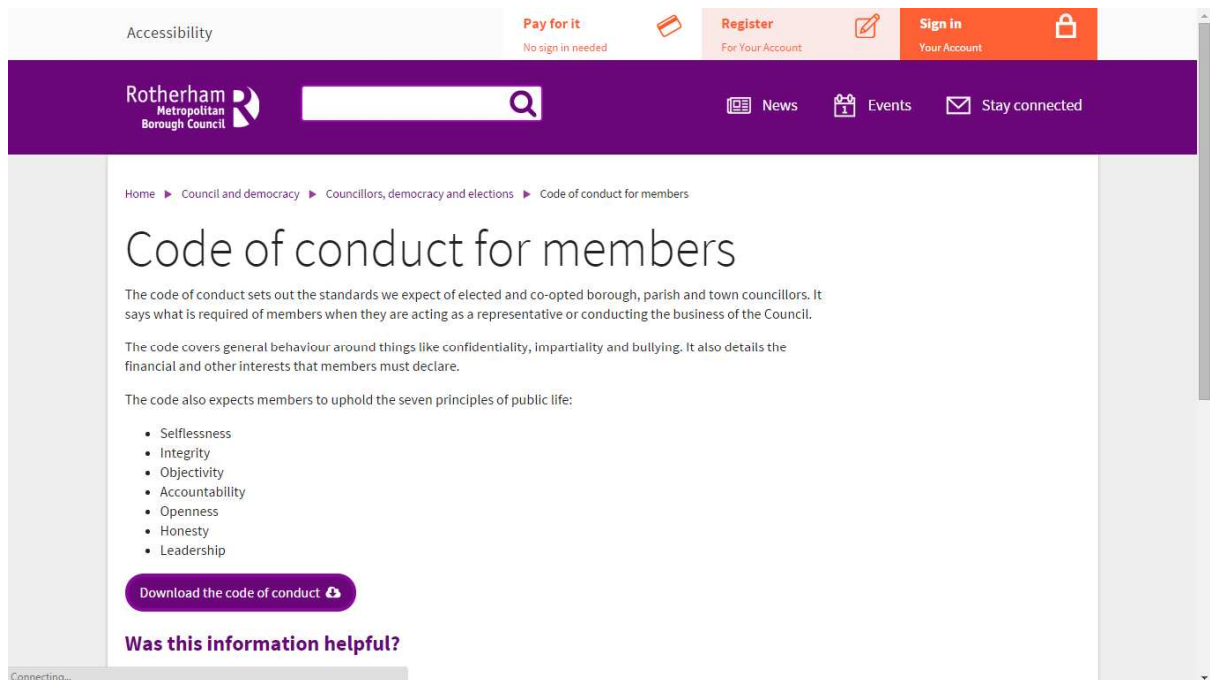
Unfamiliar terms

Not sure who is a 'member'? Want to know what makes someone an 'independent person'?

Our guide to some of the terms commonly used in committee documents can help you.

[Find out more \(dummy link\)](#)

Was this information helpful?



7. Membership of the Standards Committee

This issue was considered by the working group on 22nd October 2015.

The current membership of the Committee is

8 Rotherham MBC Councillors

3 Parish Councillors

4 non-voting independent members and

1 vacancy

The Chair and Vice Chair of the committee are elected members from Rotherham Council. There are also independent members who do not have voting rights. The reason for this is following the Localism Act 2011, the Standards Committee is deemed to be a committee of the Council and therefore proportionality rules apply.

It was suggested that an element of independence could be introduced by having independent members on the hearing panel which decides if breaches of the code have occurred.

Recommendation 7: That the composition of the Committee and Hearing Panels be as follows:

a) the existing composition of the membership of the Standards Committee shall remain unchanged, with the Committee retaining the current proportions of Borough Councillors, Parish Councillors and non-voting Independent Members;

(b) the Chair and the Vice-Chair of the Standards Committee shall continue to be Elected Members of the Borough Council;

(c) the review and hearing panels, established from time to time to consider complaints about the conduct of a councillor shall comprise five persons, namely:

One majority party elected member of the Borough Council;
One minority party elected member of the Borough Council;
One Parish Councillor;
Two independent Persons;

(d) the Chair of the review and hearing panel meetings shall be an Independent Member;

(e) the Monitoring Officer shall advise the Review and Hearing Panel but not be a member, as such membership may be perceived as compromising that Officer's impartiality.

8. Revised Procedure for dealing with standards complaints

This issue was considered on 1st October 2015.

The present procedure for dealing with complaints has not been fully updated since the introduction of the Localism Act 2011. It was suggested that a new, comprehensive procedure be introduced to ensure that the Council fulfils its statutory obligations.

The introduction of a new procedure will ensure greater transparency to the public and members about the way complaints about Members' behaviour are dealt with. Further the revised procedure will ensure fairness and consistency as to how investigations are conducted, as well as providing members and complainants with further information as to process, procedure and sanctions in relation to possible breaches of the Code of Conduct.

Recommendation 8: That the revised procedure, at Appendix 4, for dealing with code of conduct complaints be adopted.

9. Whistleblowing Procedure

A revised whistleblowing procedure was discussed on a number of occasions with the final recommendations being agreed on 1st October 2015.

The suggested procedure strengthens the current whistleblowing procedure in line with the Council's legislative requirements and it actively encourages reporting of information about serious misconduct.

The working group welcomed the revised policy and procedure and especially the introduction of a dedicated e-mail address and pro-forma for anyone wishing to report an actual or suspected wrongdoing

Recommendation 9: that the revised policy and procedure, at Appendix 5, be adopted.

10. Annual Report

It is suggested that an annual report of the Standards Committee is produced and reported to Council.

This will help to keep Standards and the ethical agenda in the minds of members and demonstrate the work the Committee has undertaken in the past year. This will also be of significance to re-iterate the importance of the role in the Standards Committee in maintaining high standards of conduct within the Council.

Such a report will provide transparency in what the committee does and demonstrate the committee's contribution to the improvement and corporate governance of the Council.

An example of what the Report could contain is below.

Format of Annual Report to Council and Standards Committee

Introduction

By Chair - Standards Committee

Independent Persons

Explanation of statutory basis of appointment and duties and the names of the independent persons

Membership of Standards Committee

Names of all members, explanation of roles of Parish Councillors and independent members.

Overview of complaints

How complaints are dealt with and outcomes, breakdown between parish and borough complaints and a comparison with previous year.

Work Overview

- a) Details of training delivered
- b) Dispensations applied for/granted.
- C) Local assessment of complaints
- d) Operation of Council Complaints Procedure
- e) Operation of 'Whistleblowing' Procedure.
- f) Any areas of good practice/issues considered.

Recommendation 10: That an annual report be produced

Summary and Conclusion

This report demonstrates that a significant amount of effort has been put in by the members of the working group.

The report demonstrates the importance of the Standards Committee in contributing to the improvement of the Council. It is essential in demonstrating effective corporate governance and encouraging high ethical standards in members and co-opted members.

It is hoped that the production of an Annual report as referred to above will raise the profile of the Standards Committee and contribute to the further development of the Council as a whole.