

Summary Sheet

Standards Committee Report

Standards Committee 14th January 2016

Title

Update on the Handling of Complaints of possible Breaches of the Code of Conduct for Members

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal & Democratic Services, Riverside House, Main Street,
Rotherham .S60 1AE
Tel : 01709 823523

Catherine A. Parkinson, Interim Assistant Director Legal & Democratic Services and
Monitoring Officer Tel: 01709 255768

Ward(s) Affected

All

Executive Summary

A report updating the Committee on the Handling of Complaints of possible Breaches of the Code of Conduct for Members

Recommendations

That the Committee notes the steps that have been taken to resolve the complaints

List of Appendices Included

None

Background Papers

Code of Conduct

Papers held on file by the Monitoring Officer

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title Update on the Handling of Complaints of possible Breaches of the Code of Conduct for Members

1. Recommendations

1.1 That the Standards Committee

- i) notes the steps that have been taken to resolve the complaints received, as set out at paragraph 2 below and
- ii) notes the resolution of those complaints which have been concluded as set out at paragraph 2 below.

2. Background

- 2.1 Since the previous committee meeting, the following steps have been taken to consider and respond to allegations that the Code of Conduct for Elected Members has been breached.
- 2.2 A complaint was received that a Borough Councillor had not followed appropriate procedures in a Council meeting, by not passing a resolution excluding press and public from the meeting. The complainant alleged that the member had thereby breached the Code of Conduct by bringing the officer of Councillor or the Council into disrepute.
- 2.3 Representations were received by the member in question and relevant documentary evidence was examined.
- 2.4 The views of the Independent Person were taken. He felt that on the balance of probabilities the appropriate resolution was passed. The Monitoring Officer considered these views and concurred with this conclusion and taking all of the circumstances of the complaint into account, decided that the complaint should not be investigated further. The complainant and member have been informed of this decision.
- 2.5 A complaint was received that a Parish Councillor made a derogatory comment that Standards Committee proceedings which he had been subject to were "a shambles" and a "kangaroo court".
- 2.6 The matter was referred to the Independent Person for his views who felt that there was little doubt that the words had been said, but that the Parish Councillor was acting in his personal capacity at the time and therefore the Code of Conduct was not invoked.
- 2.7 The Monitoring Officer concurred with this view and therefore the Complainant and Parish Councillor were written to informing them of this decision.
- 2.8 A complaint was received from a member of the public that a Parish Councillor was rude and threatening to him in a Parish Council meeting. The views of the Independent Person were requested and after reviewing the relevant evidence, which included listening to a recording of the relevant

Parish Council meeting, he concluded that there had been provocation of the Parish Councillor by the Complainant and that the remarks were made under duress.

- 2.9 As such the Independent Person felt that due to the circumstances of the case there should be no further investigation.
- 2.10 The Monitoring Officer concurred with this view and complainant and the Parish Councillor were written to informing them of this decision. The complainant has subsequently submitted further information in relation to this matter and asked that the issue be reviewed. Further the complainant has submitted a further complaint in relation to the same Parish Councillor and the Monitoring Officer is liaising with the complainant to try to fully establish the relevant issues in that matter. A further update on these matters will be provided at the next meeting.
- 2.11 A complaint has been received that a Parish Councillor called a member of the public corrupt in the presence of a number of other Parish Councillors and members of the public.
- 2.12 The views of the relevant Parish Councillor have been sought but none have been provided as yet. The details of the complaints have been forwarded to the Independent Person for his views as to whether further investigation of this matter is appropriate. A further update will be provided to the Committee at the next meeting.
- 2.13 A complaint has been received that a Councillor made inappropriate comments on a social network.
- 2.14 The views of the member were obtained and he stated that his comments were an error of judgement and that he was prepared to apologise to the complainant.
- 2.15 A letter of apology was sent by the member to the complainant. The issues concerning the complaint were discussed by the Monitoring Officer with the relevant member and the importance of the principles stated within the Code of Conduct reiterated.
- 2.16 As such the Monitoring Officer considers this matter to be concluded and the relevant Member and complainant have been informed of this decision.

3. Key Issues

- 3.1 The relevant issues within each complaint are set out above.

4. Options considered and recommended proposal

- 4.1 All relevant options as to the handling of the individual complaints set out above, were considered.

5. Consultation

5.1 Where appropriate, consultation has taken place with the Independent Person

6. Timetable and Accountability for Implementing this Decision

6.1 The handling of complaints of breaches of the Code of Conduct is ongoing. The Monitoring Officer is the responsible officer for this.

7. Financial and Procurement Implications

7.1 Any work undertaken by the Monitoring Officer in dealing with these complaints is contained within the budget for Legal Services.

8. Legal Implications

8.1 The Council has a statutory duty to uphold ethical standards

9.0 Human Resources Implications

9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 The Code of Conduct applies equally to all members and co-opted members.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 It is the Standards Committee's responsibility to enforce the Code of Conduct. It is the Council's duty to promote high standards of ethical conduct. Therefore if the Standards Committee does not monitor any allegations of breaches of the code the standards regime could fall into disrepute.

14. Accountable Officer(s)

Catherine A. Parkinson, Interim Assistant Director Legal & Democratic Services and Monitoring Officer; Tel 01709 255768

Stuart Fletcher, Legal & Democratic Services, Riverside House, Main Street, Rotherham, S60 1AE Tel : 01709 823523

Approvals Obtained from:-

Interim Assistant Director Legal & Democratic Services and Monitoring officer
Catherine A. Parkinson