

Summary Sheet

Standards Committee Report

Standards Committee March 31st 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)

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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 has been received that information allegedly provided in confidence to a member of a Parish Council was discussed at a meeting of the Parish Council. The views of the Parish Councillor have been received and the matter has been referred to the Independent Person for his views. A further update will be provided to the next meeting of the Committee.
- 2.3 A complaint has been received that a Borough Councillor made an inappropriate comment to an officer in relation to the issuing of a parking ticket. The views of the Councillor have been sought but not yet received. A further update will be provided to the next meeting.
- 2.4 As stated at the last meeting, 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.
- 2.5 As such the Independent Person felt that due to the circumstances of the case there should be no further investigation.
- 2.6 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. This matter is currently under review by the new Monitoring Officer.
- 2.7 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.

- 2.8 The views of the relevant Parish Councillor have been sought but none have been provided. This matter has been referred to the new Monitoring Officer for consideration and a further update will be provided to the Committee at the next meeting.
- 2.9 A complaint has been received that a Parish Councillor was offensive to a member of the public. The previous Monitoring Officer did not investigate this matter but was informed that the matter had been dealt with by the Police through a process of restorative justice. As such the previous Monitoring Officer considered the matter to be resolved between the parties and that there was no requirement for a standards investigation to take place.
- 2.10 The previous Monitoring Officer wrote to the complainant and the Parish Councillor to that effect. The Parish Councillor has since contacted the current Monitoring Officer and stated that he was not acting in his civic capacity at time of the incident. The Monitoring officer has advised the Parish Councillor that as far as the Standards Committee is concerned the matter is concluded, and the letter to him will be kept on file, should anything of a similar nature happen in the future. The matter is therefore considered to be concluded as far as the Standards Committee is concerned.

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)

Dermot Pearson, Assistant Director Legal Services and Monitoring Officer; Tel 01709 255768