

Summary Sheet

Standards and Ethics Committee Report

Title

Standards and Ethics Committee Annual Report 2015/16

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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Dermot Pearson, Assistant Director Legal Services,

Ward(s) Affected

All

Executive Summary

A report setting the work undertaken by the Standards Committee in the municipal year 2015/2016.

Recommendations

That the Committee notes the work undertaken by the Standards Committee in the municipal year 2015/2016.

List of Appendices Included

N/A

Background Papers

- Papers held on file by the Monitoring Officer
- Previous Agendas and Minutes of Standards Committee meetings

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Annual Report

1. Recommendations

That the Committee notes the work undertaken by the Standards Committee in the municipal year 2015/2016.

2. Background

- 2.1 This report summarises the work undertaken by the Standards Committee during the Municipal Year 2015 2016.
- 2.2 In June 2015 the Standards Committee received reports in respect of five complaints about the conduct of Parish Councillors and members. Further the Standards Committee received a report about the ongoing issues at Anston Parish Council, and heard that the number of complaints being received by the Monitoring Officer was reducing. This reduced number of complaints has continued through the year. The situation at Anston will be kept under review by the Standards Committee and should the number of complaints received regarding Parish Councillors increased significantly this issue will be brought back before the Standards Committee.
- 2.3 Further the Standards Committee received a report about the first prosecution brought under the Localism Act 2011 in respect of a failure to declare a disclosable pecuniary interest. This was in respect of a Councillor at Dorsett County Council. Clearly it is important that the Standards Committee is kept abreast of relevant developments such as this.
- 2.4 Further in June the Chair of the Standards Committee met with Lead Commissioner Sir Derek Myers and work started towards the revitalisation of the Standards Committee. At the Standards Committee meeting, the Chairman shared details of the meeting relating to a number of issues, including the future of the Standards Committee. It was stated that the Commissioners were keen for Elected Members and Officers to demonstrate high standards of conduct and firmly believed the Standards Committee had a prominent role in the delivery and promotion of a healthy culture. A review was, therefore, proposed to be undertaken on the Standards Committee looking specifically at its areas such as role, terms of reference, various procedures within its remit, and membership.
- 2.5 In July 2015, the Standards Committee working Group was established to undertake the review as referred to above.
- 2.6 In September 2015 the Standards Committee received a report in respect of three complaints about the conduct of Parish Councillors and Councillors. Further the Standards Committee received report about the hearing into the conduct of a Parish Councillor, when a breach of the Code of Conduct was found and appropriate sanctions were imposed, and subsequently publicised.

- 2.7 Further the Standards Committee received a report in respect of the operation of the Whistleblowing procedure, and an overview of the complaints received pursuant to the policy over the preceding three years. A revision of the Whistleblowing Policy itself was undertaken as part of the work of the Standards Committee working group, referred to below. Further a review of the overall Whistleblowing arrangements has been undertaken and will report to the next meeting of the Standards Committee.
- 2.8 In December 2015 the report of the Standards Committee Working Group was brought to the Standards Committee. The recommended changes were accepted by the Standards Committee and were subsequently accepted and implemented unanimously at full Council in January 2016. A report about the changes and transitional arrangements was received by the Standards Committee in March 2016, the relevant information as to those changes is reproduced below.
- 2.8.1 The Committee will now be called the Standards and Ethics Committee. The resolution of the Standards Committee to that effect was approved by the Full Council meeting in January 2016. As such the new arrangements will be operative from the time of the new municipal year, and there will be a formal change to the constitution to that effect, from May 2016.
- 2.8.2 Similarly, the new Terms of Reference for the Standards Committee which were adopted at the meeting in December 2015 will be operative from the start of the new municipal year, whereby the main responsibility of the Committee is stated to be "The promotion of ethical behaviour and building confidence in local democracy".
- 2.8.3 The new Rotherham specific Code of Conduct which was approved by the Standards Committee at its meeting in December 2015 has been approved by Council and is now operative.
- 2.8.4 Similarly the new supplement to the Member/Officer Protocol which was approved by the Standards Committee at its meeting in December 2015 has been approved by Council and is now operative.
- 2.8.5 The new procedure for investigating complaints which was approved by the Standards Committee in December 2015 is now operative and is being used in respect of complaints received since that time.
- 2.8.6 The new Whistleblowing Policy which was approved by the Standards Committee in December 2015 was consulted upon with the Trade Unions and this did not produce any changes to the document which had been before the Standards Committee. As such the new Whistleblowing Policy has been adopted and has been operative as of 1st March 2016.

- 2.8.7 As members will recall a Work Plan for the year which would ensure that the Standards Committee considered everything within its Terms of Reference, was proposed in December 2015. The content of the Work Plan was agreed at the Standards Committee meeting in January 2016.
- 2.8.8 The matters within the Standards Committee Work Plan in respect of this meeting included a review as to procedures in respect of members' interests. This review has been undertaken by Internal Audit Department of the Council. Unfortunately this review is not fully complete but a report will be available for the next meeting of the Committee in June 2016.
- 2.8.9 Further it was agreed at the December 2015 meeting that an annual report as to the work of the Standards committee over the preceding year would be prepared. This will be brought to the next meeting in June 2016, in order that all matters considered by the Standards Committee within the municipal year can be included.
- 2.8.10 Further it was agreed as part of the Standards Committee work plan that appropriate and comprehensive training would be provided to members in respect of the "Standards and Ethical" regime. As such with the all-out elections in May 2016, and the likelihood that there will be a large influx of new members, it has been agreed with Democratic Services that training sessions will be provided in respect of the Code Conduct, Members interests and the other areas within the remit of the Standards Committee, to form an important part of the Induction process. Further, existing members will be encouraged to attend this training.
- 2.8.11 The new part of the Council's website relating to the work of the Standards Committee should be fully operative by the time of the meeting on 31 March 2016 and it is hoped that it's operation will be available to be shown to the Committee, by colleagues from IT.
- 2.8.12 A further recommendation made in December 2015 by the Standards Committee was that the work of the Committee should be further promoted and publicised. The profile of the Standards Committee has been raised with members, due to the extensive changes above having been taken to and discussed at the full Council meeting in January 2016. Further many of the changes referred to above have been included in the Commissioners 12 months update to Department of Communities and Local Government, which was submitted at the time of the restoration of a number of powers to the Council. As stated above, the profile of Standards Committee will be further raised as part of the induction programme for new members following the all-out elections in May 2016.

2.8.13 It is further intended that the profile of the Standards Committee is raised within the Council staff, by employee briefings and discussion at senior manager meetings and briefings. Further communications work is intended to be undertaken at the time of the publication of the Committees Annual Report in June 2016.

2.9 Further in January 2016 the Standards Committee received a report in respect of six complaints regarding the conduct of Parish Councillors and Council members, and in March 2016, the Standards Committee received a report in respect of four complaints regarding the conduct of Parish councillors and members.

3. Key Issues

3.1 The relevant issues within each item are set out above.

4. Options considered and recommended proposal

4.1 All relevant options were considered when individual complaints were received, and when the changes to the Standards Committee were implemented.

5. Consultation

5.1 Appropriate consultation was undertaken when each of the relevant changes were made.

6. Timetable and Accountability for Implementing this Decision

6.1 See above

7. Financial and Procurement Implications

7.1 None

8. Legal Implications

8.1 The Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council and has delegated that responsibility to the Standards and Ethics Committee.

9 Human Resources Implications

9.1 None

10 Implications for Children and Young People and Vulnerable Adults

10.1 None

11 Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 There is a risk of poor decision making and legal challenge if high ethical standards and high standards of conduct are not maintained. Further there is a risk that public confidence in the Council will be eroded if those high standards are not maintained.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services, Monitoring Officer