

STANDARDS AND ETHICS COMMITTEE
Thursday 29 September 2016

Present:- Councillor McNeely (in the Chair); Councillors Allen, Ireland, Khan, and Simpson (RMBC Members)

Councillors Bates, Rowley and Swann (Parish Council representatives).

Also present:- Ms. A. Dowdall (Co-opted Member) and Mr. P. Beavers (Independent Person).

Apologies for absence were received from Councillor Allcock, Mr P. Edler (Co-opted Member) and Mr. D. Roper-Newman (Independent Person).

9. TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA.

It was reported that there were no items on the agenda that would require the exclusion of the press and public from the meeting.

10. MINUTES OF THE PREVIOUS MEETING HELD ON 9 JUNE 2016

Resolved:-

That the minutes of the meeting of the Standards and Ethics Committee held on 9 June 2016 be approved as a true and correct record of the proceedings.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. REVIEW OF THE OPERATION OF THE WHISTLEBLOWING POLICY

Consideration was given to a report detailing a review of the operation of the Whistleblowing Policy by the Council's Internal Audit service.

It was reported that the review had found that appropriate risk registers were available for recording risks relating to whistleblowing arrangements, and consequently no significant specific risks were identified. It was also noted that appropriate assurance was in place in respect of the availability of the policy to staff and contractors.

Further assurances were provided in respect of the robustness of the policy and its application during the 2015/16 financial year. However, the review had highlighted issues in respect of the reporting of whistleblowing concerns to the council. Members noted that a central whistleblowing log had been established within Legal Services to respond to this concern.

Consideration was given to the public availability of the whistleblowing policy and the Committee concluded that it would be appropriate to make the policy publicly available with the inclusion of the following wording:

Whistleblowing by members of the public

Unlike disclosures by employees, PIDA (Public Interest Disclosure Act 1998) does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect members of the public when they make a disclosure.

The Council considers that any disclosure made by members of the public in respect of serious misconduct should be handled in the same way as disclosures made by employees.

Once a disclosure from a member of the public has been received by the Council, it will be handled in the same way as a disclosure made by an employee under PIDA and the provisions of section xx shall apply.

Resolved:-

1. That the outcome of the review and the steps taken to implement the findings be noted.
2. That the Whistleblowing cases received since September 2015 be noted.
3. That the wording of the Whistleblowing Policy be amended in order for the document to be made publicly available.

13. ROTHERHAM MBC ANNUAL COMPLAINT REPORT 2015-16

Consideration was given to a report detailing information about complaints made to the Council between 1 April 2015 and 31 March 2016 under the Corporate Complaints Procedure, Housing Complaint Procedure and the Adult and Children's Services Complaint Regulations.

It was noted that the report provided an analysis on the particular trends in the complaints received, by service area, and in terms of the timescales in which responses were provided; as well as about the escalation of complaints. The report also highlighted examples of key learning points from the complaints received, which had been used over the year in regular reports to senior managers to address or correct any mistakes and improve services or procedures as a result.

Having queried why the report had been submitted to the committee, it was explained that paper had been referred to other work that was relevant to the committee. Members noted the number of complaints arising from officer behaviour and conduct and queried whether training was provided to remind staff of the need to maintain the highest standards in dealings with the public. It was explained that the new values and behaviours for staff had recently been refreshed and communicated to all employees.

Members also questioned whether it would be of value for members of the Standards and Ethics Committee to attend future management team meetings to emphasise the importance placed on responding to and learning from complaints. Whilst further thought needed to be given to the idea, the initial response indicated that this approach could prove to be helpful.

Resolved:-

That the content and key messages of the Annual Complaint Report 2015-16 be noted.

14. AMENDED MEMBER/OFFICER PROTOCOL

Consideration was given to a report which outlined some suggested changes to the Member/Officer Protocol arising from discussions at the previous meeting on 9 June 2016.

It was noted that consultation had taken place with Human Resources to confirm the most appropriate term by which officers/employees should be referred to. Members were supported of the term "officers" being used rather than employees.

The proposed amendments were considered by the committee in detail. Specific reference was made to a protocol for decision making planning and the availability of public speaking during Planning Board meetings.

Resolved:-

1. That the changes identified by noted.
2. That the full Council be recommended to adopt the changes to the Member/Officer Protocol.

15. UPDATE FROM THE MONITORING OFFICER REGARDING COMPLAINTS

The Monitoring Officer provided an update on complaints received in respect of the conduct of town and parish councillors in the borough. Progress in respect of each matter was detailed for committee Members.

Resolved:-

That the Monitoring Officer's update in respect of complaints be noted.

16. GIFTS AND HOSPITALITY BOOK

The Monitoring Officer provided a brief overview of the content of the Gifts and Hospitality Book. A copy of the Members' Gifts and Hospitality Book and the Mayor's Gifts and Hospitality Book were circulated in the meeting for committee members to review.

In the brief discussion on the use of the book, parish council members were invited to suggest that similar arrangements be introduced at that tier of local government in the borough when returning to their parishes.

Resolved:-

That the Gifts and Hospitality Book be noted.

17. KEY UPDATES ON STANDARDS AND ETHICS

Consideration was given to a briefing paper which provided an update on developments in respect of standards and ethics in local government.

Reference was made to two public interest reports in governance issues at Derby City Council and York City Council. The specific case at Derby City Council related to failures of governance in the management of major projects and in relation to Member conduct for the financial year ending 31 March 2014 and 31 March 2015. The issues at York City Council related to the remuneration of Council officers for work as Directors of City of York Trading Ltd for the financial year ended 31 March 2015.

Information was also provided in respect of case law, a House of Commons Briefing Paper and the Annual Report of the Committee on Standards in Public Life from 2015-16. Reflecting on the latter, Members felt it important to make representations to the government regarding the lack of sanctions available to local standards bodies following the reforms introduced by the Localism Act 2011. There was recognition that a different approach would be needed to influence the Secretary of State and it was proposed that the Chair seek a meeting with the Lead Commissioner at Rotherham Council, Sir Derek Myers, to request that he raise the issue specifically with the government.

Resolved:

1. That the updates on standards and ethics be noted.
2. That the Chair seek to arrange a meeting with Commissioner Sir Derek Myers to request that he raise the committee's concern over the lack of sanctions available to local standards committees following the Localism Act 2011.

18. TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

It was noted that there no items requiring urgent consideration by the Committee.