

APPENDIX 2

Rotherham Borough Council – Standards and Ethics Bulletin

Key Contacts:

- Councillor McNeely (Chair of Standards and Ethics Committee)
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- Councillor Allen (Vice Chair of Standards and Ethics Committee)
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- Dermot Pearson (Monitoring Officer and Solicitor)
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- Sumera Shabir (Solicitor)
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Seven (Nolan) Principles of Public Life:

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership

Members Interests:

Members must register and disclose '**disclosable pecuniary interests**' as set out in regulations and detailed in the Members' Code of Conduct, and **membership of any trade unions or professional associations** (as 'interests other than a disclosable pecuniary interests'), but generally no wider, non-pecuniary, interests (eg membership of public and charitable bodies) unless a Member holds a position/office within the body for profit or gain.

See the Council's Code for the detailed descriptions:

[http://www.rotherham.gov.uk/downloads/file/293/appendix_6 -
code of conduct for members and co-opted members - january 2017](http://www.rotherham.gov.uk/downloads/file/293/appendix_6_-_code_of_conduct_for_members_and_co-opted_members_-_january_2017)

Electronic copies of Members' Interests forms are published on the Council's website – see:
http://www.rotherham.gov.uk/downloads/download/30/register_of_members_interests_forms

PLEASE NOTE: a Member commits a **criminal offence** if, without reasonable excuse, s/he

- fails to: register disclosable pecuniary interests, disclose an interest to a meeting where required or- notify the Monitoring Officer of an interest disclosed to a meeting
- participates in any discussion or vote where prohibited
- an individual Member decision taker takes any steps in relation to a matter where prohibited

A Member also commits a **criminal offence** if, in relation to the registration/disclosure of interests, s/he provides information that is false or misleading and:

- knows that the information is false or misleading, or
- is reckless as to whether the information is true and not misleading.

A court may also disqualify the person, for up to 5 years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

Members Interests' issues are ultimately Members' responsibility. Please therefore **keep your interests form under review** to ensure it is up to date (within 28 days of becoming aware of a new interest or a change to an existing interest). Please contact Jillian Dimbleby on 01709 254437 to make any amendments or discuss anything with the Monitoring Officer.

Committee on Standards in Public Life (CSPL):

In their recent Annual Report 2015-2016 and Forward Plan 2016-2017, the CSPL are intending maintain 'a watching brief' of local government standards regimes and changes resulting from the Localism Act 2011, note the importance of the Independent Person, the falling rate of vexatious complaints and concerns about the effectiveness of the standards regime.

See link for full report (especially paragraphs 78 to 82):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543819/CSPL_Annual_Report_2015-2015.pdf.

CSPL – Review of Ethics for Regulators:

The CSPL finished its review of ethics for regulators and published its 'health check' report 'Striking the Balance – Upholding the Seven Principles of Public Life in Regulation', making a series of best practice recommendations to ensure fairness and integrity in processes and to ensure public trust in UK regulation.

See the full report: <https://www.gov.uk/government/publications/striking-the-balance-upholding-the-7-principles-in-regulation>

Councillor Commission Report:

The Councillor Commission, is run by De Montfort University's Local Government Research Unit, in partnership with The Municipal Journal and is conducting a national independent review of the role and work of the Councillor and their contribution to the governance of their communities and the country.

The interim report is available (setting out their initial finding and general emerging themes and trends: <http://www.dmu.ac.uk/documents/business-and-law-documents/cc-interim-report-oct-16-final-3.pdf>

For more information is available on the Unit's website:

<http://www.dmu.ac.uk/research/research-news/2016/january/overworked-underpaid-and-unpopular-%E2%80%93-why-would-anyone-be-a-councillor-most-comprehensive-ever-review-aims-to-find-out.aspx>

Law Commission Consultation on Misfeasance in Public Office

The Law Commission recently undertook a consultation to reform of the law on misconduct in public office. See link for further details: <http://www.lawcom.gov.uk/project/misconduct-in-public-office/>

Recent Cases:

North Norfolk District Council

This case required the authority to disclose a draft standards investigation report arising from a Councillor's alleged breach of code of conduct. The Councillor left office before the standards committee never considered the draft report.

Disclosure was held to be in the public interest, conflicting with recent cases where the strong expectation of privacy in disciplinary/complaints matters was given more weight.

Honiton Town Council

A Councillor was found to have breached the Town Council's Code of Conduct requirements to treat others with courtesy and respect and sanctions were imposed. The Councillor took judicial review proceedings against the Council despite them later removing the sanctions (save for censure) and offering to pay the Councillor's costs.

The Court issued a quashing order for the unlawful sanction(s), dismissed the rest of the claim and upheld the Council's offer to pay the Councillors costs – but until the Council resolved any doubt as after that, the Councillor's continuation of the case was unreasonable.

Sandwell Council

This case upholds the scope of the Council's powers to investigate alleged impropriety by a Councillor, in accordance with the Localism Act 2011.

The Member's application for judicial review of the initiation of formal investigatory procedures and publication of documents was dismissed. The Council had power to conduct the said pre-formal investigations and was not, or been tainted by bias, or erred by publishing the documents – so it was not a breach of data protection principles.

This case recognises the public interest in serious allegations being thoroughly tested.

For more information on any of the content/make a contribution to the next publication, please contact Sumera Shabir on sumera.shabir@rotherham.gov.uk.