

STANDARDS AND ETHICS COMMITTEE
Thursday, 13th December, 2018

Present:- Councillor McNeely (in the Chair); Councillors Clark, Simpson, Vjestica, Mr. D. Bates, Mr. D. Rowley and Mr. R. Swann, Parish Council Members, and also Mr. P. Edler and Mrs. J. Porter, Independent Members.

Also in attendance was Mr. P. Beavers, Independent Person.

Apologies for absence were received from Councillor Pitchley and Mr. D. Roper-Newman.

19. DECLARATIONS OF INTEREST

Councillor Clark declared a personal interest in Minute No. 24 (Outcome of Standards and Ethics Sub-Committee Hearing regarding Alleged Breach of the Code of Conduct) and left the room whilst the matter was discussed.

Councillor Simpson declared he was now a Parish Councillor as well as a Borough Councillor.

20. MINUTES OF THE PREVIOUS MEETING

Consideration was given to the minutes of the previous meeting held on 13th September, 2018.

With regards to Minute No. 13 the Committee received confirmation that terms of office for the Parish Council Representatives had been agreed up to 2020 and the Representatives advised accordingly.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 13th September, 2018 be approved as a true and accurate record of proceedings.

21. THE APPOINTMENT OF PARISH COUNCIL AND INDEPENDENT MEMBERS OF THE STANDARDS AND ETHICS COMMITTEE

Consideration was given to the report which set out the recommendations in respect of the Parish Council Members on the Standards and Ethics Committee and, following interview, the need for approval of the two candidates for the role of Independent Members to the Standards and Ethics Committee.

The Committee noted the Parish Council Liaison Group had resolved that it would wish for the current Parish Council Members of the Committee to continue as members until the 2020 elections and would continue in these roles until the end of the 2019/2020 municipal year or until further nominations were made to these roles following the Parish Council

elections in May 2020, whichever was the later.

Following the recruitment process to try to fill the three Independent Member vacancies two applications were received. An interview process involving the Chair, Monitoring Officer and one of the Independent Persons confirmed both of the candidates were felt to be appropriate persons to undertake the role of Independent Member. The two candidates were Mags Evers and Adela Bingham.

The Committee welcomed confirmation of the Parish Council Members and the appointment of two more Independent Members. However, this now brought the Independent Member numbers back up to four out of five places, but it was felt the remaining vacancy should still be filled for the remaining Independent Member on the Committee. The Committee asked that this be pursued.

Clarification was also sought on why the Independent Persons were not included in the membership of the Committee and it was pointed out the need for independence and that they attended meetings by invitation only. However, it was suggested that as part of the annual membership reporting the Independent Persons be identified and listed for information.

Resolved:- (1) That Council be recommended to approve the continuation of the Parish Council Members on the Standards and Ethics Committee until the end of the 2019/20 Municipal year or until further nominations are made after the Parish Council elections in 2020, whichever is the later.

(2) That Council be recommended to confirm the appointments of Mags Evers and Adela Bingham as Independent Members of the Standards and Ethics Committee for a period of four years.

(3) That the recruitment process continue in order to fill the current vacancy for an Independent Member of the Committee.

(4) That as part of the annual membership reporting the Independent Persons be identified and listed for information.

22.

CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one and an updated complaint schedule was circulated.

Details of each related case and recommended outcome were highlighted.

Resolved:- (1) That the report be received and the contents noted.

(2) That the progress in respect of each case be noted pursuant to the Standards and Ethics Committee Complaints Procedure.

23. REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, which provided an overview of the Whistleblowing cases which have been received over the past year.

The appendix to the report set out clearly the description of the concerns received and action.

Clarification was sought on the continuation of any action once a person had left the authority and whether it was normal practice for concerns to be submitted anonymously.

The Committee were advised action still continued even if a person had left the authority and this was recorded on their personal files. Reporting concerns anonymously also safeguarded individuals in circumstances where investigations could take place without identification of where the concern originated.

Resolved:- That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

24. OUTCOME OF STANDARDS AND ETHICS SUB-COMMITTEE HEARING RE ALLEGED BREACH OF THE CODE OF CONDUCT

Consideration was given to the report presented by the Deputy Monitoring Officer which set out clearly the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 14th September, 2018 in relation to an alleged breach of the Code of Conduct by Councillor Brian Cutts and the subsequent decision of Council, at its meeting on 31st October, 2018, to remove Councillor Cutts from the South Yorkshire Police and Crime Panel.

As set out in the Decision Record, the Sub-Committee found that Councillor Brian Cutts' conduct was in breach of the Code of Conduct in that he had failed to treat others with respect. They found that the two of the comments he had made were homophobic, being indicative of a dislike or prejudice towards LGBT people and that in making those comments he had failed to treat others with respect, namely the LGBT community and in particular same sex couples who foster or adopt children or who wish to do so.

The Sub-Committee also found that by making the comments Councillor Brian Cutts was also in breach of the Code of Conduct in that he had done something which may cause the Council to breach any of the equality duties and had conducted himself in a manner which could reasonably be regarded as bringing his office of councillor or the Council into disrepute.

The Sub-Committee recommended a number of sanctions that should be applied to the Subject Member:-

- The member shall be censured.
- The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards & Ethics Committee.
- The Sub-Committee shall recommend to the Councillor's Group Leader that he be removed from the Committees or Sub-Committees of the Council upon which he sits.
- The Monitoring Officer shall be instructed to arrange equalities training for the Subject Member.
- That the Sub-Committee shall recommend to Council that the Subject Member be removed from all outside appointments to which he has been appointed or nominated by the Council.

The Leader of Councillor Cutts' political group declined to remove him from his role on the Improving Places Select Commission. The equalities training for Councillor Cutts took place on 30th October, 2018 and Council considered the Sub-Committee's recommendation regarding outside bodies at its meeting on 31st October ,2018 and removed Councillor Brian Cutts from the South Yorkshire Police and Crime Panel.

The Committee were pleased with the outcome following the hearing, but expressed its disappointment at the decision of the Leader of the Opposition not to remove Councillor Cutts from the Improving Places Select Commission.

The Committee also realised it had limited powers under the Localism Act, but would await the outcome of the review by the Committee for Standards in Public Life and the outcome of the consultation process by January/February, 2019. A report on the outcome would be submitted to the next meeting in March, 2019.

Resolved:- (1) That the outcome of the Standards and Ethics Sub-Committee Hearing on 14th September, 2018 be noted.

(2) That the decision of Council at its meeting on 31st October, 2018 to accept the recommendation of the Standards and Ethics Sub-Committee

and to remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel be noted.

(3) That the decision by the Leader of the Opposition not to remove Councillor Cutts from the Improving Places Select Commission was disappointing.

25. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relates to finance or business affairs).

26. INTERNAL AUDIT REPORTS

Consideration was given to a report presented by the Head of Internal Audit which provided an update on two recent internal audits covering areas that were included in the Committee's Terms of Reference.

The first audit covered 'Governance', in particular reviewing the Codes of Conduct, Registers of Interest, Gifts and Hospitality, and the Induction Process for Officers and Members.

The second audit covered 'Compliance with Financial Procedure Rules – Virements', this being an area identified by the Assistant Director, Financial Services as a possible area of concern.

Internal Audit were able to give 'Reasonable Assurance' for both reviews. The definition for that level of assurance was that there was 'Reasonable Assurance' that the system of internal control is designed to achieve the service's objectives and minimise risk. However, some weaknesses in the design or inconsistent application of controls put the achievement of some objectives at a low risk'. Recommendations were graded red, amber or green according to their importance.

The Committee welcomed the reports and were comfortable with the levels of authorisation and completion of appropriate registers.

Clarification was sought on the differences between the Members and Officers declarations for gifts and hospitality with a request that a report be submitted to the next meeting in March for consideration.

Resolved:- (1) That the work completed by Internal Audit be noted.

(2) That a report be submitted to the next meeting on the differences between the Members and Officers declarations for gifts and hospitality.

27. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 21st March, 2019 at 2.00 p.m.