

STANDARDS AND ETHICS COMMITTEE - 18/09/19

STANDARDS AND ETHICS COMMITTEE 18th September, 2019

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, Sheppard, Vjestica, Parish Council Representatives Messrs. D. Bates, D. Rowley and R. Swann and also Mrs. A. Bingham and Mrs. M. Evers (Independent Members).

Also in attendance (at the invitation of the Chair) were Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

Apologies for absence were received from Councillor D. Cutts and Mr. P. Edler.

49. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

50. **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the appendices for Minute Nos. 56 and 57 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

51. **MINUTES OF THE PREVIOUS MEETING HELD ON 13TH JUNE, 2019**

Consideration was given to the minutes of the previous meeting held on 13th June 2019.

With regards to Minute No. 44 (Outcome of Hearing) the Committee noted that the decision of the Sub-Committee was forwarded to Maltby Town Council. Whilst it was acknowledged the Sub-Committee had few sanctions the actions taken by the Town Council, the ensuing publicity and the fact of the Town Councillor's resignation showed that there could be serious consequences following on from decisions of the Standards and Ethics Committee.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 13th June, 2019 be approved as a true and accurate record of proceedings.

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52. OUTCOME OF A STANDARDS AND ETHICS SUB-COMMITTEE HEARING REGARDING AN ALLEGED BREACH OF THE CODE OF CONDUCT

Consideration was given to the report presented by the Deputy Monitoring Officer which set out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 6th September, 2019 in relation to an alleged breach of the Code of Conduct by Councillor John Turner.

The findings and sanctions by the Sub-Committee would be reported to Council on the 30th October, 2019.

The Committee considered the concerns raised with regards to the anonymity of complainants and the likelihood for Panels being able to make a fair judgement. In this case it was judged there to be sufficient evidence to make a decision without the disclosure or attendance of the complainant.

Further discussion ensued on Councillor responsibilities, appropriateness of the arena where the comments were made and the need for social media and freedom of speech to be considered as subjects in any future training.

Resolved:- (1) That the outcome of the Standards and Ethics Sub-Committee Hearing on 6th September, 2019 be noted.

(2) That the social media and Code of Conduct training to be provided refers to issues raised in the decision of the Standards and Ethics Sub-Committee.

53. AMENDMENTS TO THE WHISTLEBLOWING POLICY

Consideration was given to the report presented by the Deputy Monitoring Officer which set out a number of proposed amendments to the Whistleblowing Policy following a review of the Policy and the way in which it operated.

To assist the Standards and Ethics Committee a full copy of the Whistleblowing Policy with suggested amendments in “tracked” version and a fully amended version for ease of reading were provided.

The suggested amendments included “administrative” changes to include the new post of the Head of Legal Services, and a change to the external Auditor and also included an additional way in which Whistleblowing concerns may be reported to the Council, by introducing a specific Whistleblowing Hotline number.

In addition, the proposed amendments also included nominating three senior officers, namely the Monitoring Officer, the Head of Internal Audit and the Section 151 Officer as the Council’s “Whistleblowing Officers”.

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These officers would be responsible for the oversight of the operation of the Whistleblowing Policy including oversight of receiving concerns, investigating concerns and providing appropriate information to the Whistle-blower as to the progress and outcome of any investigation. These Whistleblowing Officers would also be responsible for ensuring appropriate actions were taken following an investigation and implementing any lessons learned following an investigation.

This strengthened the resilience of the arrangements which previously only referred to the Assistant Director of Legal Services being responsible for these matters.

The proposed amendments also included amendments to the way in which concerns were allocated for investigation, due to the introduction of the Whistleblowing Officers. Again for this reason there were changes to the way in which the whistle-blower was kept informed about the investigation.

An explanation was provided in respect of the legislation which may be applicable to permit the withholding of information and the reasons for and why they may be shared.

Resolved:- That the proposed amendments to the Whistleblowing Policy be approved.

54. **COMMITTEE FOR STANDARDS ON PUBLIC LIFE - UPDATE - REVIEW OF ETHICS IN LOCAL GOVERNMENT**

The Deputy Monitoring Officer provided a verbal update on the current position and confirmed letters had been distributed to all local Members of Parliament to advise of the favourable response to the Review and encouraged them to take action for appropriate changes to legislation. A response had been received from one of the local M.P.s to the effect that they would raise the issue in Parliament to implore the relevant Minister to make the appropriate changes as recommended in the report.

Whilst it may be premature for Standards and Ethics Committees to yet implement many of the proposed changes, certain best practice recommendations have been implemented, and the other best practice recommendations will be implemented

The report had also been endorsed by the Yorkshire Local Councils Association who were of the same opinion as the Committee.

Resolved:- That the information be noted.

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55. TRAINING UPDATE

The Deputy Monitoring Officer reported verbally on forthcoming training events and suggested that a session be arranged specifically for the Standards and Ethics Committee Members on the Sub-Committee process for hearings prior to the next scheduled meeting.

The Committee welcomed this approach and also suggested that less experienced Members be invited to sit in on any such arranged hearings as long as this was in consultation with relevant parties involved.

The Chair also referred to additional training that was to take place with Parish Councils and extended the invitation to all Standards and Ethics Committee Members.

The training was scheduled for:-

- Thursday, 7th November, 2019 – Town Hall – 6.00 p.m. to 8.00 p.m.
- Monday, 2nd December, 2019 – Dalton Parish Hall – 10.00 a.m. to 12.00 Noon.

Resolved:- (1) That a training session be arranged and diary invites circulated to Standards and Ethics Committee Members.

(2) That the Parish Council training sessions be noted.

56. A 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.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

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

57. STANDARDS AND ETHICS COMMITTEE - 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.

Reference was made to each related case and recommended outcomes/actions identified were highlighted.

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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.

58. DATE AND TIME OF NEXT MEETING - THURSDAY, 12TH DECEMBER, 2019 AT 2.00 P.M.

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 12th December, 2019 at 2.00 p.m.