

STANDARDS AND ETHICS COMMITTEE - 15/09/22

STANDARDS AND ETHICS COMMITTEE 15th September, 2022

Present:- Councillor McNeely (in the Chair); Councillors Z. Collingham, Griffin, Hughes, Tarmey, Parish Councillors A. Buckley, M. Carroll and R. Swann and also Mr. P. Edler (Independent Co-optee).

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 Councillors Bacon and Yasseen and Mrs. A. Bingham, Mrs. M. Evers and Mrs. K. Penney.

9. MINUTE'S SILENCE AS A MARK OF RESPECT FOR THE SAD PASSING OF HER MAJESTY THE QUEEN, ELIZABETH II

The Committee stood for a minute's silence following the sad passing of Her Majesty The Queen, Elizabeth II, as a mark of respect to reflect on her commitment to public service and devotion to the nations of the United Kingdom and Commonwealth.

10. DECLARATIONS OF INTEREST

Mr. P. Beavers and Mr. D. Roper-Newman declared personal interests in Minute No. 15 (Re-appointment of Independent Persons) on the basis that they were the Council's current Independent Persons.

Parish Councillor Buckley declared a personal interest in Minute No. 17 (Review of Complaints) on the basis that he had some knowledge of one of the complaints.

11. EXCLUSION OF 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 Minute Nos. 16 and 17 (Whistleblowing and Complaints) on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

12. MINUTES OF THE PREVIOUS MEETING HELD ON 16TH JUNE, 2022

Consideration was given to the minutes of the previous meeting held on 16th June, 2022.

Resolved:- That the minutes of the previous meeting held on 16th June, 2022 be approved as a true and correct record of the proceedings.

13. GIFTS AND HOSPITALITY

Consideration was given to the report presented by the Service Manager which set out in detail a possible amendment to the Code of Conduct in respect of the requirement to register Gifts and Hospitality, following the recommendations from the Committee on Standards in Public Life Report into Local Government Ethical Standards.

As reported to the Committee at its last meeting Recommendation 6 was for Local Authorities being required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source.

At the last meeting the Committee discussed this issue and it was suggested that officers review other Local Authorities' Codes of Conduct, as to the approach which had been taken in respect of this issue. This had been undertaken and the different approaches adopted were set out in the report.

The Committee debated whether to include reference to the requirement to disclose a number of different gifts from the same source which over a certain period exceeded the stated amount.

The Committee noted that Sheffield City Council adopted the period as the four-year term of office and as part of their discussion considered whether that was appropriate, or some other period should be adopted.

Discussion ensued about the terminology and as such a "four year term". It was suggested this be changed to "term of office".

The Committee were minded to make such an amendment and suggested the amended paragraph of the Code of Conduct be worded as follows:-

10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £xx, or accumulatively in excess of £xx from the same source over the term of office which you have been offered as a Member from any person or body other than the Authority within 28 days of receipt.

The Committee were also provided for information and assurance the form by which Members registered their gifts and hospitality and full details were set out in the Members Induction Handbook.

It was also noted that further, periodic reminders in respect of the requirement to register Gifts and Hospitality were provided in the Members newsletter.

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The Committee in viewing the Members Induction Handbook and in particular Section 4 – Standards and Ethics noted that in Section 4.2 there was no reference to the Nolan Principles and would prefer to see them included.

In addition, for the purposes of annual updates it was suggested in Section 4.4 the wording “no later than (date)” be removed and it be left for review and sign off within 28 days.

Resolved:- (1) That the amendment to the Members Code of Conduct in respect of the registration of Gifts and Hospitality in respect of cumulative gifts from a single source over a stated period be approved.

(2) That the amendment to the Code of Conduct the wording at paragraph 1.8 with the words “four year term” omitted be adopted.

(3) That the suggested wording amendments to the Members’ Induction Handbook be fed back to appropriate officers.

14. PROPOSED AMENDMENTS TO THE WHISTLEBLOWING POLICY

Consideration was given to the report presented by the Service Manager which set out in detail proposed minor amendments to the Whistleblowing Policy following a review of the Policy.

Following the latest review of the Whistleblowing Policy by officers, a small number of minor amendments to the Policy, were proposed (a full copy of the Whistleblowing Policy with suggested amendments in “tracked” version were included as part of the agenda pack) and further amendments were provided at the meeting..

The proposed amendments were “administrative” changes

The legislation referred to in the Policy remained in force and had not been changed. The procedure for dealing with disclosures once they have been received by the Council also remained the same. The telephone numbers and other contact details available for disclosure within the Policy have been checked and were current and as such it was considered that the current Policy, subject to the above amendments, was appropriate and remained fit for purpose.

The Committee sought clarification on whether this Policy included the Town and Parish Councils and were advised the Council had no jurisdiction in this respect and the Town and Parish Councils came under separate legislation.

Resolved:- (1) That the proposed amendments to the Whistleblowing Policy be approved.

(2) That subject the Whistleblowing Policy (Appendix 1) be approved.

15. RE-APPOINTMENT OF INDEPENDENT PERSONS

Consideration was given to the report presented by the Service Manager which set out the review of the arrangements for the Council's Independent Persons and recommended the reappointment of the current Independent Persons.

The Council's current two Independent Persons have provided significant contribution to the Council's Standards and Ethics regime, one of them being consulted on all complaints received by the Council as well as providing contributions to policy matters and other issues at meetings.

Given the value of this contribution made by the Independent Persons it was suggested that both Independent Persons be reappointed until the end of the 2023/24 municipal year.

Recommended:- That the current Independent Persons be reappointed until the end of the 2023/24 Municipal Year.

16. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Service Manager 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.

17. REVIEW OF COMPLAINTS

Consideration was given to the report presented by the Service Manager, 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 and discussed.

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

18. URGENT BUSINESS

The Chair advised that there were no urgent items of business requiring the Committee's consideration.

19. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee be held on Thursday, 17th November, 2022, commencing at 2.00 p.m.