

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE

RECORD OF THE DECISION OF THE STANDARDS AND ETHICS SUB-COMMITTEE MEETING HELD ON 4TH APRIL, 2023

SUBJECT MEMBER: Councillor C McMahon (Maltby Town Council)
(in attendance)

COMPLAINANTS: Mrs. S. Biggins and Ms. S. Youngman

THE COMPLAINTS SUB-COMMITTEE

Councillor R. McNeely (Rotherham MBC) (in the Chair)
Councillor D. Tarmey (Rotherham MBC)
Mr. A. Buckley, Parish Council Representative
Mr. P. Edler, Independent Member
Ms. K. Penney, Independent Member

INDEPENDENT PERSON

Mr. P. Beavers

ROTHERHAM MBC OFFICERS

Mr. P. Horsfield (Monitoring Officer/Legal Adviser to the Sub-Committee)
Mr. S. Fletcher (Investigating Officer)
Mrs. D. Pons (Governance Adviser)

The Complaint

At a meeting of the Rotherham Standards and Ethics Sub-Committee held on Tuesday, 4th April, 2023, consideration was given to a complaint against Councillor C McMahon (Subject Member).

The complaint related to:-

- The approach of the Subject Member to the Clerk in Chairing of a meeting of Maltby Town Council and whether this amounted to a breach of the Code of Conduct of Maltby Town Council.

The Panel comprised Councillor McNeely (in the Chair); Councillor D. Tarmey, Mr. A. Buckley, Mr. P. Edler and Ms. K. Penney.

Mr. P. Beavers also attended the hearing in his role as Independent Person, along with Mr. P. Horsfield as Legal Adviser to the Panel.

Mr. S. Fletcher, Investigating Officer, was invited to present the report of the investigation into whether there had been a breach of the Members' Code of Conduct of Maltby Town Council and which fell within the remit of Rotherham Borough Council's Standards and Ethics Committee.

The Investigating Officer took the Sub-Committee through the complaint and the evidence provided as to whether the Subject Member's conduct in this matter amounted to a breach of the Council's Code of Conduct.

Evidence

The Sub-Committee heard the evidence submitted as part of the investigation in relation to the Complaints together with witnesses.

The Sub-Committee also heard the evidence provided by the Subject Member as a part of the investigation together with witnesses

The Investigating Officer, the Subject Member and his support, left the room to allow the Sub-Committee to consider the evidence with the advice of the Independent Person and the Monitoring Officer.

The Findings of the Sub-Committee

The Panel considered the evidence from both parties and all the documents referred to in the Investigating Officer's report.

The Sub-Committee considered, in consultation with the Independent Person, whether the Subject Member's conduct in this matter amounted to a breach the Code of Conduct

After hearing all of the evidence and verbal submissions made before them, the Sub-Committee considered, in consultation with the Independent Person, the key issues which had been highlighted in the report and evidence.

The Investigating Officer, the Subject Member and his supporter were asked to return and were advised of the decision.

The Sub-Committee found neither bullying nor disrespect proved on the balance of probabilities. However the Sub-Committee found that the conduct of the Town Council was not such that upheld or promoted high standards of Conduct as required by Section 27(1) of the Localism Act 2011. As a consequence the Sub-Committee directed the Monitoring Officer to provide advice to Maltby Town Council as to the future conduct of their meetings in presenting this decision to them and recommended that training be provided to both Councillors and Officers at the Town Council to ensure that future meetings are conducted appropriately.

Resolved:- That the conduct of Maltby Town Council was not such that upheld or promoted high standards of conduct as required by Section 27(1) of the Localism Act 2011 and as a consequence-

(1) The Sub-Committee directed the Monitoring Officer to provide advice to Maltby Town Council as to the future conduct of their meetings in presenting this decision to them.

(2) That training be provided to both Councillors and Officers at the Town Council to ensure that future meetings are conducted appropriately.

(3) That this decision be reported to Maltby Town Council.

Signed:  (Chair of Sub-Committee)

Dated: 17th April, 2023