

STANDARDS AND ETHICS COMMITTEE - 16/01/25

STANDARDS AND ETHICS COMMITTEE

16th January, 2025

Present:- Councillor Monk (in the Chair); Councillors Beck, Jackson and Mrs. M. Carroll (Parish Council Representative) and also Mrs. A. Bingham and Mr. P. Edler (Independent Members).

Also in attendance were Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

Apologies for absence were received from Councillors Clarke, T. Collingham, Hall, Hughes and Keenan and Mrs. K. Penney (Independent Member).

14. DECLARATIONS OF INTEREST

There were no declarations of interest.

15. 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. 19 and 20 (Whistleblowing and Complaints) on the grounds that the appendices to those reports involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

16. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH SEPTEMBER, 2024

Resolved:- That the minutes of the previous meeting held on 12th September, 2024 were approved as a true and correct record of the proceedings and signed by the Chair, subject to the inclusion of apologies for Councillor Jackson and Mrs. M. Carroll.

17. CONSIDERATION OF GRANTING OF A DISPENSATION RELATING TO HOUSING MATTERS

Consideration was given to the report presented by the Deputy Monitoring Officer which set out in detail the granting of dispensations to enable Members of the Council who have Council tenancies to participate and vote on Council business related to Housing.

The Localism Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced "Disclosable Pecuniary Interests" and new rules on the grant of dispensations to allow Council Members to take part in decisions or vote on matters in which they have a Disclosable Pecuniary interest ("DPI"). The grounds for the grant of a dispensation under Section 33(2) of the Localism Act were, if, after having regard to all relevant circumstances, the Council considers the five grounds set out in detail as part of the report.

STANDARDS AND ETHICS COMMITTEE - 16/01/25

In order to obtain a dispensation on any of the five grounds set out under Section 33 of the Localism Act, a Member must make a written request to the Council's Monitoring Officer. Any grant of a dispensation must specify how long it lasts for, up to a maximum period of four years.

A discussion ensued that highlighted the dispensation could last for a period of four years. The proposal was seeking to widen the democratic process which would give every councillor the ability to speak within the debate.

Resolved:- That for any Members of the Council who are tenants of Rotherham Borough Council to be granted a dispensation pursuant to Section 33(2) (e) of the Localism Act to allow them to participate and to vote on matters in relation to housing (provided that those functions do not relate particularly to the tenancy or lease of the Council Member concerned). Such requests should be submitted in writing to the Monitoring Officer.

18. PROPOSED AMENDMENTS TO THE WHISTLEBLOWING POLICY

Consideration was given to the report presented by the Deputy Monitoring Officer which set out proposed minor amendments to the Whistleblowing Policy following a review of the Policy.

Oversight of the Whistleblowing Policy fell within the remit of the Standards and Ethics Committee and in accordance with good practice, the Whistleblowing Policy was kept under periodic review.

Following the latest review of the Whistleblowing Policy, a small number of minor "administrative" amendments were suggested which included a name change for the Head of Internal Audit and the inclusion of an additional name as a Whistleblowing Officer for the Assistant Director of Human Resources.

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

(2) That subject to (1) above the Committee approve the Whistleblowing Policy at Appendix 1.

19. 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 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.

STANDARDS AND ETHICS COMMITTEE - 16/01/25

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

20. REVIEW 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.

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

21. CONSULTATION ON STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND

Consideration was given to a report presented by the Service Manager which asked for the Committee to contribute its views to the Government Consultation on strengthening the standards and conduct framework for local authorities in England.

The Government consultation related to ways of strengthening the standards and conduct framework, which may include a mandatory minimum prescribed Code of Conduct, the necessity for an authority to have a Standards Committee, publication of investigation outcomes and the empowerment of individuals affected by Councillor conduct to come forward.

Further matters related to the possible introduction of the power of suspension along with any associated safeguards necessary. The length of any possible suspension was also considered within the consultation, along with withholding allowances, premises and facilities bans, interim suspension, disqualification for multiple breaches and gross misconduct and whether any appeals process is necessary.

On this basis the Committee considered each of the forty questions in turn, debated and gave their view to allow the Monitoring Officer to submit a consultation response on behalf of the Committee.

The answers to the questions set out in the consultation on Strengthening the Standards and Conduct Framework for Local Authorities in England at Appendix 1 be as follows:-

STANDARDS AND ETHICS COMMITTEE - 16/01/25

Question	Response
1	District or Borough Council
2	Yes
3	Yes
4	Yes
5	Yes
6	Yes
7	Yes
8	Unsure
9	No
10	Nothing to add
11	No
12	No
13	And 13a Number to be inserted
14	Number to be inserted
15	For an individual
16	For an individual
17	For an individual
18	Yes
19	Yes
20	Yes
21	Yes
22	Infrequently
23	Yes
24	Yes
25	Yes

STANDARDS AND ETHICS COMMITTEE - 16/01/25

26	Yes
27	Yes
28	Yes
29	Yes
30	Yes and 30a to review monthly
31	Yes
32	Yes
33	Yes
34	Yes, but with a timeframe of fourteen days
35	No
36	No
37	N/A
38	No
39	No
40	Neither

Resolved:- That the responses to the questions as part of the Government consultation in respect of strengthening the standards and conduct framework for local authorities be forwarded to allow the Monitoring Officer to submit a consultation response on behalf of the Committee.

22. URGENT BUSINESS

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