



Metropolitan Borough of Rotherham

STANDARDS COMMITTEE

ANNUAL REPORT 2010

M. Andrew, Chair
A. Bingham, Vice-Chair

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CONTENT	PAGE NO.
FOREWORD BY THE CHAIR OF THE STANDARDS COMMITTEE	3
INTRODUCTION	4
MEMBERSHIP OF THE STANDARDS COMMITTEE 2009/10	4 - 7
FUNCTIONS OF THE COMMITTEE	7 - 8
INFORMATION ABOUT THE CODE OF CONDUCT	8 - 9
WORK OF THE COMMITTEE 2009/10	10 - 13
SUMMARY OF COMPLAINTS RECEIVED DURING THE YEAR	13 - 15
TRAINING	15
ISSUES FOR THE YEAR AHEAD	15 - 16
Appendix 1 – Standards Committee – Terms of Reference	

FOREWORD BY THE CHAIR OF THE STANDARDS COMMITTEE

I am very pleased to present this annual report of the Standards Committee of the Rotherham Metropolitan Borough Council.

The Council's Standards Committee assists the Council to fulfil its legal obligations for good governance, including the seven general principles of public life of:- Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. It does this by making recommendations to the Council on how it can achieve its legal obligations, providing training on the Code of Conduct, monitoring the results, and where necessary, applying sanctions for transgressions against the Code of Conduct. All of the Standards Committees activities are designed to promote the highest standards of behaviour by all elected Members in order to increase the public's trust in local government.

This last year has been the second full year of working with the new local system for dealing with complaints against elected Borough, Town and Parish Councillors and the Committee had to be strengthened by additional Members, (particularly Independent and Parish Members) to enable us to deal with the new requirements. The Council helped considerably in this by taking the necessary steps to strengthen the Standards Committee as soon as the new requirements were known, and this allowed us to deal with an unprecedented number of referrals to the Committee from members of the public and other elected Members of Councils.

The Standards Committee is now predominantly Independent with an Independent Chair and an Independent Vice-Chair, plus other Independent Members, along with elected Members of the Council and Parish representatives.

During the past year we have met with the Audit Committee as some of our work does overlap on occasions and the Audit Committee is represented on one of our working parties to consider the surveys that have been conducted on perceptions for good ethical behaviour. This association we hope will continue in the future as the need arises.

Our Work Programme for the coming year includes the preparation of advice to the Council on such matters as working with Partnerships, Member/Officer protocol, the review of the Planning Code, and the Confidential Reporting Code and other work. An increased training involvement will inevitably take place with existing and newly elected Members of the Borough, Town and Parish Councils in order to increase their understanding of the requirements of the Code of Conduct,.

The Standards Committee look forward to an interesting year in front of us with tight deadlines for our forthcoming Work Programme.

Michael Andrew
Chair of Standards Committee

Angela Bingham
Vice-Chair of Standards Committee

(1) **INTRODUCTION**

The Standards Committee was established by the Council in May 1999, prior to the statutory requirements contained in the Local Government Act 2000.

The Committee has various statutory functions and additional functions conferred by the Council. One of its main responsibilities is to advise the Council and Town and Parish Councils on the Code of Conduct, monitor its operation and arrange training.

Since May 2008, the Committee has been responsible for assessing and dealing with written allegations that Members of the Borough Council or of Town and Parish Councils within the Borough are in breach of the Code of Conduct.

This report shows how the Committee has performed its functions over the last year and how it supports good governance and high standards within the Borough.

(2) **MEMBERSHIP OF THE STANDARDS COMMITTEE 2009/10**

The Committee comprises eight Independent Members, including the Chair and Vice-Chair, three Parish Council representatives and four Borough Councillors. Independent Members, therefore, have an overall majority.

Independent Members and Parish Council representatives are paid a co-optees allowance of £1,000 per annum. The Chair and Vice-Chair are paid respectively an additional £2,500 and £1,500 per annum.

Independent Members

Mr. M. Andrew (Chair)

Mr. Andrew has extensive experience of local government, including with the Borough Council for whom he worked until 16 years ago. He is a former Member of the Standards Committees at both the British Standards Institute and the National House Building Council. He was formerly a School Governor, and was a member of the Yorkshire Electricity Consultative Council. He is a Magistrate on the Rotherham bench.

Mrs. A. Bingham (Vice-Chair)

Mrs. Bingham currently works as a self-employed research/management consultant and is a former higher executive officer at the Telephone Managers Office in Sheffield. She has previously served on the Parochial Church Council at All Saints, Rotherham, was a Trustee of Rotherham Crossroads and acted in a

voluntary capacity as a Director of Rotherham Community Resource Programme and formerly represented the voluntary sector on Rotherham's Children and Young People's Board. From November 2006-2009 she served as Chair of the Steering Committee of Risky Business. She is currently an Independent Member of the Standards Committees of West Yorkshire Police Authority, South Yorkshire Police Authority, South Yorkshire Fire and Rescue authority and South Yorkshire Integrated Transport Authority.

Mr. I. Daines

Mr Daines was an Assistant Chief Constable with South Yorkshire Police and retired in December 2006. As well as membership of this committee, he is a member of the General Social Care Council (GSCC); he chairs hearings into allegations of misconduct by social workers. The Standards Committee and the GSCC absorb about 35 days a year, leaving plenty of time to enjoy retirement.

Mr. P. E. Edler (from 22nd July 2009)

Mr. Edler has recently retired from BT where he was Clerk of Works, having worked there for thirty years. He served on the Post Office Engineering Unions Sheffield Committee from 1982 to 1992. For four of those years he was the union's welfare officer and three years as the union's magazine editor. He was a representative for the Sheffield POEU at two POEU Conferences. Mr. Edler now works as a teaching assistant in Sheffield schools.

Mr. D. Foster

Mr. Foster is currently a business consultant specialising in all aspects of learning and development. He works with a number of organisations, in the public and private sectors, to develop assessment and feedback practice against a variety of standards. Prior to this he served as a police officer for almost 31 years reaching the rank of Inspector. He has considerable committee experience including membership of the Yorkshire and Humberside Crimestoppers Committee.

Mr. J. Maric (until 22nd July 2009)

Mr. Maric is Corporate Development Manager with the Music Factory Entertainment Group. He has a background in commercial and human resources management. He sits on the Representation Council of Rotherham Chamber of Commerce and on various working groups of the Chamber. He works closely with several schools and is Chair of a forum to raise additional funds for Macmillan Cancer Relief within the South Yorkshire Coalfields area.

Dr. G. Musson

Dr. Musson is a senior research and teaching academic in Human Resource Management at Sheffield University Management School. She was formerly employed as an officer of the Council in a variety of roles, and as Clerk to Brinsworth Parish Council for ten years. She is a former member of Wickersley Comprehensive School Governing Body and former Non-Executive Member of Rotherham Health Authority.

Ms. J. Porter

Ms. Porter was born and brought up in Rotherham and has recently retired, having worked in Rotherham hospitals for the previous thirty years. During that time she was a member of working groups on nursing procedures and the hospital's Standards Committee, in which role she helped to develop that service from the beginning. She is currently working in her local hospice shop part-time.

Mr. N. Sykes

Mr. Sykes was a research scientist and worked for some years for British Rail, he then became a founder director of a private sector company developing software products in the field of mechanical engineering. He is a magistrate, a lay member of the GMC and NMC Fitness to Practice Panels, Deputy Chair of the Consumer Council for Water Northern Committee and a member of the North Sheffield NHS Research Ethics Committee.

Borough Council Members (until 21st May 2010)

Councillor Jane Austen

Councillor John Michael Clarke

Councillor Frank Hodgkiss

Councillor Darren Hughes

At the Annual Council meeting held on 21st May 2010, Councillors Clarke and Hodgkiss stepped down from the Committee and their places were taken by Councillor John Gilding and Councillor Alan Buckley. As Councillor Buckley is now a Borough Council representative, there is a vacancy for a Parish Council representative who will be elected from among Town and Parish Councillors within Rotherham.

Parish Council Representatives

Councillor D. Bates - Thrybergh Parish Council

Councillor Bates is a member of Thrybergh Parish Council. He is also a Lay Member of the Sheffield Employment Tribunal and a retired school teacher.

Councillor A. Buckley – Brinsworth Parish Council

Councillor Buckley has been a member of Brinsworth Parish Council for over 20 years and is currently the Chairman. He retired last year after serving 30 years with South Yorkshire Fire and Rescue Service as an Operational Crew Manager. He is a member of the local comprehensive and primary school governing body and has recently received his award from the local authority for over 20 years service. He was appointed to the Standards Committee in 2001 by the Town and Parish Councils of Rotherham whom he also represented on the RMBC Democratic Renewal Scrutiny Panel.

Councillor J. Sharman – Aston-cum-Aughton Parish Council

Officer Support

Advice to the Committee is provided by Tim Mumford, Assistant Chief Executive (Legal and Democratic Services) who is the Council's Monitoring Officer. The Committee is supported by Alan Harston, Principal Democratic Services Officer. Other officers attend the Committee as and when appropriate.

(3) FUNCTIONS OF THE COMMITTEE

The Council's Standards Committee's primary roles and functions are:-

- promoting and maintaining high standards of conduct by councillors and co-opted members;
- assisting councillors and co-opted members to observe the *Members' Code of Conduct*;
- advising the Council on the adoption or revision of the *Members' Code of Conduct*;
- monitoring the operation of the *Members' Code of Conduct*;
- advising, training or arranging to train councillors and co-opted members on matters relating to the *Members' Code of Conduct*;
- granting dispensations to councillors and co-opted members from requirements relating to interests in the *Members' Code of Conduct*;
- dealing with any written allegations that a member of the Council or co-opted member is in breach of the Council's Code of Conduct;

- dealing with any report from a First-tier Tribunal, and any report from the Assistant Chief Executive (Legal and Democratic Services) in his capacity as the monitoring officer or from an ethical standards officer of Standards for England.
- Performing similar functions in respect of all town and parish councils within the borough.

The Council's Standard's Committee's additional roles include:-

- preparing and reviewing protocols, local codes, advice and guidance;
- overview of the whistle-blowing policy (the *Confidential Reporting Code*);
- review of the application of *Standing Orders* and *Financial Regulations*;
- overview of complaints handling and local government ombudsman investigations;
- consideration of any reports or investigation which casts doubt on the honesty and integrity of the Council and recommending action to the Council or Cabinet.

The Council's Standards Committee's Terms of Reference are attached at Appendix 1.

(4) INFORMATION ABOUT THE CODE OF CONDUCT

This is a quick reminder of the main points of the Members' Code of Conduct and is not intended to be legal advice. The full Code of Conduct is available on the Council's website and a guide to it – entitled *The Code of Conduct: Guide for members* – is available from the Standards for England's website.

Do

- Follow the Code of Conduct when you are representing your authority.
- Be aware of what personal and prejudicial interests are – refer to the Standards Board guide if you are unsure.
- Keep your register of interests up to date.
- Treat others with respect
- Register gifts and hospitality, received in your role as a member, worth more than £25.
- Visit www.standardsforEngland.gov.uk for more information.

Don't

- Bring your authority or office into disrepute.
- Use the authority's resources for party political purposes.

- Compromise the impartiality of people who work for your authority.
- Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
- Bully, intimidate or attempt to intimate others.
- Use your position improperly for personal gain or to advantage your friends or close associates.
- Attend meetings or be involved in decision-making where you have a prejudicial interest – except when speaking when the general public are also allowed to do so.
- Disclose confidential information, other than in exceptional circumstances – refer to the Code of Conduct and the Standards for England guide if you are unsure.
- Prevent anyone getting information they are entitled to.

Personal and Prejudicial Interests

You have a personal interest if the issue being discussed in the meeting affects the well-being or finances of you, your family or your close associates more than most other people who live in the area affected by the issue. Personal interests are also things that relate to an interest you must register.

Prejudicial interests are personal interests that affect you, your family, or your close associates in the following ways:-

- their finances, or regulatory functions such as licensing or planning which affect them
- and which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair your ability to judge the public interest

If you have a personal interest you must normally declare it in the meeting.

If the personal interest arises because of your membership of another public body, you only need to declare it if you intend to speak.

If you have both a personal and prejudicial interest you must not debate or vote on a regulatory or financial matter, but you do have the same right to speak as a member of the public.

There are exemptions to both types of interests and when they must be declared. The Monitoring Officer will advise you.

(5) WORK OF COMMITTEE 2009/10

(a) Council's Website

During the year the Committee has significantly expanded the information on the Council's website regarding its activities. As well as information regarding the Committee's Members and the general role performed by the Committee, there is information about how the public may complain to the Committee that Members of the Borough Council or Town and Parish Councils within the Borough may have broken the Code of Conduct. There is a model complaint form which may be downloaded, together with information and guidance. Also published are the Local Assessment Criteria whereby Assessment and Review Panels will consider what action, if any, should be taken in response to allegations.

(b) Code of Corporate Governance/Annual Governance Statement

The Committee has reviewed and supported the above documents. The Code sets out best practice in governance arrangements and how the Council's governance is tested for effectiveness against the framework within the Code. The Annual Governance Statement outlines the Council's view of the extent of good governance within the Council, including progress made on areas previously identified for action and any further areas where improvement is needed. The statement is submitted annually to the Council's external auditors along with the Council's accounts.

(c) Maltby Town Council – Mediation

The Committee has considered interim and draft final reports from MESH, the mediators who were appointed following directions from Standards for England and the Standards Committee to provide conciliation services following a series of complaints regarding the conduct of Members of Maltby Town Council.

(d) Adjudication Panel for England

The Committee considered the decision of the Adjudication Panel for England in respect of allegations concerning a Member of Maltby Town Council, which had originally been made to the Standards Committee and referred by the Committee to Standards for England for investigation.

(e) Ethical Audit

The Committee has carried out a further comprehensive survey of awareness of ethical issues and standards among Members and Senior Officers of the Borough Council. A similar survey

has also been carried out for the first time of Town and Parish Councillors and their Clerks. Issues covered included knowledge of the Member and Officer Code, the Confidential Reporting Code, the role of the Committee and the Monitoring Officer, relationships between Members and Officers and the provision of training. The survey provided opportunities for those responding to comment and make suggestions for improvement in all relevant areas.

Following reports on the results of the survey, the Committee has established a Working Party to look at the responses in more detail and recommend an action plan. This is chaired by the Vice-Chair of the Committee and includes Councillor Sangster as Chair of the Audit Committee.

(f) Anti-Fraud and Corruption Strategy

The Committee received and commented on the above strategy and supported proposals to conduct a fraud and corruption awareness survey, which would complement the ethical audit survey undertaken by the Standards Committee as referred to above.

(g) Dispensations

The Committee agreed criteria for the approval of applications for dispensations, following revised guidance from Standards for England.

(h) Probity in Planning

The Committee considered a report on a Local Government Association document, setting out the role of Councillors and Officers and revised guidance on good practice for dealing with planning matters. They agreed to refer the document to the Planning Board for information and to update the Planning Code in the light of this document and the awaited changes to the Model Code of Conduct.

(i) Publication of Members Interests on the Website

The Committee again considered the issue of publication of the Members' Register of Interests on the website, which had been discussed in previous years. After full consideration of the arguments for and against making the register available on-line, the Committee recommended to the Council that this should be approved, subject to various safeguards. These recommendations have been accepted by the Council and the Register of Interests will be published on the Council's website shortly.

(j) Members Web Pages

The Committee has reviewed and commented on the Council's policy regarding Members web pages hosted by the Council on their website, following allegations made to the Committee that a Member had used their web page for political purposes.

(k) Confidential Reporting Code

The Committee reviewed the operation of the Confidential Reporting Code, which it does on an annual basis. It was noted that only one concern had been raised since the previous report under the Code. It was agreed that the awareness of the Code was a vital factor and that a re-launch of the Code was appropriate. The Committee considered proposals for publicity for the Code and referred the examination of how to make people feel comfortable in raising issues under the Code to the Working Party examining responses to the ethical audit survey.

(l) Partnership Governance

The Committee considered a report on criteria to encourage high standards of behaviour in partnership working, which is of increasing importance for the Council. The report looked at criteria currently used by the Council to review partnership governance arrangements, and what the Council is required to demonstrate as part of the use of resources assessment. Further work is currently being undertaken and will form the subject of another report to the Committee on this issue in the next Municipal Year.

(m) Gifts and Hospitality

The Committee considered whether to recommend that the Council should, in addition to making the Register of Members Interests available on its website, also make available the Register of Gifts and Hospitality as regards Members and Officers. The Committee decided only to make available on-line those details in respect of Members that were required to be included in the Register of Interests.

(n) Proposed changes to the Local Assessment Framework

The Committee considered proposals from Standards for England for streamlining the local assessment framework, designed to address criticisms that the current procedures could be over-bureaucratic, time-consuming and disproportionate. It was noted that several of the changes suggested would require primary legislation and much would depend upon the attitude of the new government.

(o) Work Plan

The Committee agreed each month to receive as a standing agenda item, a report on a rolling programme of work for the remainder of the year ahead.

(p) Report on Annual Assembly

The 2009 Annual Assembly of Standards Committees was held in Birmingham on 12th and 13th October 2009. It was attended by the Chairman and Vice-Chairman and the Monitoring Officer. The Committee received and discussed a full report of the proceedings at the Conference. These included issues arising within the local assessment framework, whether the framework was a force for good or necessary evil, how to encourage high standards of behaviour in partnership working, how to restore the reputation of authorities where there have been significant standards problems in the past, the role of Standards for England in monitoring and gathering information and submitting reports about practice nationally and how Standards Committees might raise their profile within their authority and with the public.

The Monitoring Officer spoke at the Conference at a session entitled "Working Together" which concerned how authorities would work with Standards for England to resolve conduct issues and improve ethical governance. The presentation included an account of the work undertaken by the Committee and the Monitoring Officer, with support from Standards for England, in addressing the issues that had arisen at Maltby.

(q) Other

The Committee considered on a regular basis papers relating to aspects of the ethical standards framework. These included regular bulletins from Standards for England, regulations and guidance on Joint Standards Committee, the default powers of Standards for England and a joint research paper from the University of Hull and Teesside University Business School assessing the impact of Standards Committees and setting out examples of notable practice, the Standards for England Annual Review 2008/9 and the Standards for England Corporate Plan 2009/2012.

(6) SUMMARY OF COMPLAINTS RECEIVED DURING THE YEAR

Between 9th April 2009 and 22nd April 2010, 38 allegations against Members have been considered by Assessment Panels of the Standards Committee.

Of these, four allegations were against Members of the Borough Council and the remainder were against Members of Town and Parish Councils within the Borough.

Three allegations were made by officers, 15 by Town or Parish Councillors and 20 by members of the public.

In 21 of the cases, the decision of the Assessment Panel or Review Panel was that no action should be taken. 2 cases were referred to the Monitoring Officer for investigation, 1 of which was subsequently withdrawn following the death of the Member. In 5 cases, the matter was referred to the Monitoring Officer with a direction to arrange training and in 4 cases the Monitoring Officer was directed to take action other than training.

Three cases were referred to Standards for England. In one of these, following investigation, the Ethical Standards Officer made a finding of "no breach". The other two cases have been referred to a First Tier Tribunal.

There are three outstanding cases within this period where assessments have still to be completed.

Reviews were requested in eight of the cases. In seven of these the Review Panel upheld the decision of the Assessment Panel to take no further action. In the other case the Review Panel directed the Monitoring Officer to take action other than investigation, by writing to the Member concerned.

Paragraphs of the Code to which the complaints appeared to relate are as follows, based solely upon the allegations submitted. In many of the cases, more than one paragraph of the Code could potentially have been relevant:-

3(1) – You must treat other with respect	-	23 cases
3(2)(b) – You must not bully any person	-	5 cases
4(a) – You must not disclose information given to you in confidence	-	1 case
4(b) – You must not prevent another person from gaining access to information to which that person is entitled by law	-	1 case
5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute	-	28 cases
6 – You must not use or attempt to use your position as a Member improperly	-	6 cases

Paragraphs 8 to 12 – Failure to disclose
Personal/prejudicial interests

- 3 cases

(7) TRAINING

- (1) The Committee received a presentation of and discussed the Standards for England dvd “Assessment Made Clear”.
- (2) Training was provided by Peter Keith Lucas of Bevan Brittan LLP on local assessments and how to conduct a local hearing. After an initial presentation, the training took the form of a mock hearing in which parts were played by Members of the Committee and others in attendance. The exercise illustrated some of the issues and pitfalls that can arise.
- (3) The Monitoring Officer, together with the Director of Internal Audit and Governance, presented a session for Council Managers on Conduct and the Detection and Prevention of Fraud and Corruption.
- (4) The Monitoring Officer provided induction training on the Code of Conduct for newly elected Members as part of the induction programme following the election in May 2010.
- (5) The Monitoring Officer provided training on the Code of Conduct at Anston and Whiston Parish Councils. The Monitoring Officer also arranged and attended training provided by officers of Yorkshire Local Councils Association on governance issues at Maltby Town Council and Wales Parish Council, as directed by the Committee.

(8) ISSUES FOR THE YEAR AHEAD

Much will depend upon the proposals of the new government and the priority that is given to issues concerning ethical standards in local government. Reference was made earlier to the proposals from Standards for England to simplify the local assessment framework, some of which would have required primary legislation if accepted by the government. However, it is possible that more fundamental changes will be made. The Queen’s Speech referred to a Decentralisation and Localism Bill to be published after the Summer recess, which may well contain measures to abolish Standards for England. It remains to be seen whether this will materialise and, if so, what associated changes will be made as regards local arrangements for dealing with standards issues. Finally, there is outstanding the issue of a further Model Code, on which the previous government

consulted at the end of 2008, together with the proposed statutory Code for Council Officers.

Quite apart from this, work for the Committee over the next year is likely to include:-

- Measures to raise the Committee's profile within the Council and with the public.
- Actions arising from the Ethical Audit Survey.
- A review of the Member/Officer Protocol.
- Further work on Partnership Governance and the criteria whereby it is judged.
- A review of the Planning Code.
- Review of the arrangements for the handling of complaints, the responses to them and how there might be improved.

All things considered, this promises to be another busy and interesting year for the Standards Committee.