

APPENDIX B

SHEFFIELD CITY COUNCIL'S STANDARDS PROTOCOL

Introduction

Sheffield City Council is committed to a high standard of behaviour by Elected Members. Elected Members have adopted and agreed to act in accordance with this voluntary Standards Protocol and to adopt a Sheffield Code of Conduct (Appendix 1) and Standards Procedure (Appendix 2).

Sheffield City Council has established a voluntary Standards Committee to consider complaints about the conduct of elected and co-opted members under the voluntary code.

Key Aspects of Code of Conduct for Members of Sheffield City Council

All Elected Members:-

- 1 Will not act in such a way as to bring the Council into disrepute
- 2 Will treat other members, officers and members of the public with respect
- 3 Will not act within their office in a discriminatory manner
- 4 Will not use, for their own purposes or political purposes, Council property or resources
- 5 Will not act in such a way to cause the Council to act illegally or unreasonably
- 6 Will not misuse their office
- 7 Will not disclose confidential information
- 8 Will comply with requirements to register and declare personal and prejudicial interests

Statutory Requirements (Sections ??? Localism Act 2012)

Members must register and declare, as appropriate, personal interests. Members will not be allowed to use their position improperly for personal gain. Wilful failure to comply with these requirements will constitute a criminal offence. Members must continue to comply with all aspects of the Criminal and Civil Law when carrying out their functions.

Political Support

The Leader of each political party and independent members represented in Sheffield has signed this protocol, in doing so they have committed their party to:-

- 1 Promoting compliance with the protocol and code with its members
- 2 Supporting the Standards Committee in any request that a member attend a Standards Committee
- 3 Ensuring all its members are aware of and understand the Code and Protocol and attend any required training
- 4 Support and maintain the Officer/Member protocol

Officer Support

The Chief Executive and Deputy Chief Executive (Monitoring Officer) have signed this protocol. In doing so they have committed Officers to:-

- 1 Provide advice and support on Standards
- 2 Act as arbitrator/conciliator, where deemed appropriate
- 3 Establish, support and maintain a Standards Committee
- 4 Provide training, as required
- 5 Take forward any changes in procedure or policy which arise from a Standards matter being investigated
- 6 Maintain the Officer/Member Protocol

Remedies

If the Standards Committee find a breach of the code has occurred they may make take the following recommendations and may specify to whom they wish them to be directed.

- 1 That policies/procedures are amended
- 2 That training be provided
- 3 That a briefing/information note be issued
- 4 That an apology be given
- 5 That the member is censured
- 6 That in extreme circumstances the Member's Allowance will be cut (*this would need to be agreed by members and incorporated into the Scheme of Members Allowances*)

Standards Committee

The Standards Committee shall be conducted in line with the Constitution of the Council (or is a Joint Committee of the following Councils)

The rules of political proportionality will not apply. The Members shall be as follows:-

?

The Chair will be ?

There will be the following independent non voting members

?

August 2011

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Procedure for dealing with Standards Complaints

Complaints

- 1 Allegations of breaches of the code should be made, in writing, to the Monitoring Officer (MO) by any Elected Member, Officer, partner of the Council or resident of Sheffield.
- 2 The MO will decide if this allegation is a potential breach of the code. If the matter complained of does not constitute a potential breach of the code the MO will inform the complainant.
- 3 If the MO believes there may be a potential breach of the code they may take the following actions without determining if an actual breach has taken place:-
 - Take such steps as they think appropriate to prevent a future breach of the code including training, guidance, introducing or amending policies/protocols
 - Ask the whips to address the issue raised within their political parties or with an individual Member
 - Mediate between the parties involved to resolve the issues
 - Obtain further information from the complainant or other relevant individual/body.
- 4 The Monitoring Officer , after taking the above steps as appropriate, will decide if the matter should be referred to the Standards Committee
- 5 The MO will take into account when deciding if the matter should be referred:-
 - The seriousness of the allegation
 - The effectiveness of the remedies available
 - The date of the incident complained of
 - The benefits of an independent consideration of the allegation
 - If the allegation relates to a cultural or reoccurring issue relating to standards within the Council
 - If the matter should be dealt with by some other method, e.g. police investigation.

- 6 It is expected that only a minority of potential breaches will be referred to the Committee. If the complainant disagrees with the MO's decision as to whether the matter should be referred they can ask that the decision be reconsidered by the Chief Executive.

Procedure for Matters Referred to the Standards Committee

- 7 If the matter is to be considered by the Standards Committee the complainant and subject of the complaint will be informed by the M O. The Elected Member will be given full details of the allegation and have 21 days to submit a response, witness statements and any relevant information. The member will be asked to express a preference for a written or oral hearing.
- 8 The MO will supply the complainant with copies any documents produced in accordance with paragraph 3(b) or 7 above .The complainant may provide a written response and further evidence if they choose to do so. They must respond within 14 days of receipt of the information. The Monitoring Officer may advise and assist either party with the written information to be supplied.
- 9 The Chair of the Standards Committee and the Monitoring Officer will consider the complaint and responses to decide if any further information should be obtained by the M O or if an internal or independent investigation is required on all or any aspect of the complaint. They will decide if the hearing should take place with oral evidence from parties or should consider the written evidence only.
- 10 The Standards Committee will meet to consider the allegation and make clear findings as to the facts on the matter and whether, in its opinion, a breach of the Standards Code has occurred. The Standards Committee should give reasons for its decision. The Standards Committee will meet in public unless the Chair decides all or some of the meeting should be held in private subject to the Access to information requirements. The MO will attend the meeting and can provide advice to the Committee.
- 11 The Committee shall decide, if a breach of the voluntary code has taken place what sanction, what if any, should be applied.
- 12 The MO will inform the complainant and the elected member of the outcome in writing and within 7 days.
- 13 The findings and decision will be publically available on the Council's website and copies will be supplied to the MO, Chief Executive and Elected Member concerned, Leaders of the political party concerned, the whips and complainant.

Appeals

- 14 It is not intended that an Appeal procedure would be used as a matter of course, if, however, the Standards Committee Chair and MO agree that the nature of the decision may have a significant impact on the member against whom findings are made or has important implications for the Council as a whole they may allow an appeal the Standards Committee of another authority with whom a reciprocal agreement exists. If no suitable Committee is available the appeal will be dealt with by the Chief Executive
- 15 An annual report will be presented to full Council by the MO on the activities of the Standards Committee.

August 2011

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