

STANDARDS COMMITTEE
12th September, 2013

Present:- Councillor Gosling (in the Chair); Councillors Beck, Gilding, Pitchley, P. A. Russell, Sims, Bates, Rowley and Swann and also Mr. I. Daines, Mr. P. Edler and Ms. J. Porter.

Apologies for absence were received from Councillor Middleton.

B8 MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 13th June, 2013 be approved as a correct record.

It was also noted that Mrs. Angela Bingham had formally submitted her resignation from the Committee. The Committee wished to pass on their thanks and appreciated for all her work and support and asked the Monitoring Officer to write to her on the Committee's behalf.

Arrangements would be made to advertise the two vacancies that currently now existed for two independent co-opted members.

(Councillor Beck left the meeting at this point and did not participate in any debate regarding the remaining agenda items)

B9 UPDATE FROM THE MONITORING OFFICER

Consideration was given to the updated presented by Jacqueline Collins, Monitoring Officer, which provided details on:-

1. The informal resolution of the complaints relating to Anston Parish Councillors continued. The Independent Person, Phil Beavers, had attended a meeting of the public in Anston to gauge their views. This would be followed by the Independent Person and the Monitoring Officer attending meeting of the Parish Council in October. The Independent Person would share his findings with the Parish Council and make recommendations regarding future actions, such as training, to bring the matter to a close.

Phil Beavers, Independent Person, summarised his involvement to date and his position with regards to bringing the matters referred to above to an amicable resolution. Members of the public had signed up to the Nolan Principles and it was hoped that the same approach would be adopted by the Parish Council. An update on progress would be provided in due course.

2. Two related complaints that a Borough Councillor had posted offensive remarks on Twitter. It was concluded that the Elected Member was tweeting in his private capacity and, therefore, the

Code of Conduct was not engaged. David Roper-Newman, Independent Person, was consulted and reached the same conclusion.

3. A complaint that a Borough Councillor made incorrect allegations regarding a member of the public, on the Elected Member's personal Twitter account. It was concluded that the posting of the information by the Councillor was done in his private capacity and, therefore, the Code of Conduct was not engaged. David Roper-Newman, Independent Person was consulted and formed the same view.
4. Four queries with regard to the Register of interest of Elected Members. Following consultation with the relevant Members the forms were updated and the issue resolved. There was no evidence of a deliberate attempt by the Elected Members concerned to deceive or withhold information.
5. A complaint regarding the content of a comment made by a Borough Councillor on the Rotherham Politics website. It was concluded that the comment had been made in the Councillor's private and not public capacity. Therefore, the Code of Conduct was not engaged. David Roper-Newman, Independent Person, was consulted upon the complaint and formed the same view.
6. Further to Minute No. B3 of the meeting held on 13th June, 2013, the Enterprise and Regulatory Reform Act 2013 had introduced changes to the safeguards offered to employees who made disclosures under the Confidential Reporting Code. The Code must now cover protected disclosures made in the public interest; the requirement that such disclosures must be made in good faith be removed; the position that employee's complaints regarding their own contract of employment should be raised as a grievance was clarified and the Code must ensure that other employees did not mistreat whistle blowers. The Council's Code had, therefore, been amended accordingly.

The Committee considered the detail made as part of the update and the actions taken, but sought clarification from the Monitoring Officer on the discharge of functions relating to the register of interests, use of social media in a personal/professional capacity and the need for training/advice in the completion of the Register of Interests form.

Resolved:- That the report be received and the steps that have been taken with regard to referrals under the Code of Conduct be noted.

B10

EXCLUSION OF THE 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 the following items of business on the grounds that they involve the likely disclosure of

exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relates to an individual).

B11 UPDATE ON INVESTIGATION INTO INCIDENT ON 30TH APRIL, 2013

Further to Minute No. B6 of the meeting held on 13th June, 2013, consideration was given to a report presented by Stuart Fletcher, Deputy Monitoring Officer, which provided an update on the Police actions and the investigation by the Council which was proceeding without affecting the Police investigation and court process.

Clearly once the outcome of the legal proceedings were known this would feed into the Council's investigation and as such be presented back to the Committee for further consideration.

It was, therefore, suggested that a Sub-Committee be convened to consider the matter of whether the Code of Conduct was engaged.

The Committee considered at length the membership of the Sub-Committee, pre-determination and whether or not, in cases where complaints resulted in resource intensity and time, that the question of costs associated with investigations be met from the Parish Council to whom the complaints related.

It was suggested that the issue of costs be included as an agenda item on the next meeting of the Parish Council Network Group and whether this would prompt more Parish Councils to take responsibility for their actions.

Resolved:- (1) That the approach taken of the assault allegation being considered within the court process be noted.

(2) That Councillor Sims, Parish Councillors D. Bates and D. Rowley form the membership of the Sub-Committee to be convened to consider the preliminary issue regarding the "status" of the alleged perpetrator at the meeting.

(3) That the Parish Council Network Group be asked to consider the issue of costs for investigations for Parish Councils at their next meeting.

B12 DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place on Thursday, 12th December, 2013 at 2.00 p.m.