

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	12th December 2013
3.	Title:	Update from the Monitoring Officer on Matters referred under the Code of Conduct for Elected Members.
4.	Directorate:	Resources

5. Summary

To update the committee with regard to complaints that have been referred to the Monitoring Officer since the Committee last met.

6. Recommendations

That the Committee notes the steps that have been taken with regard to referrals under the Code of Conduct.

7. Proposals and Details

The Monitoring Officer has the responsibility to seek resolution of allegations of breaches of the Code of Conduct without formal investigation wherever practicable and for determining whether a complaint should be referred to a panel of independent members of the Standards Committee for further consideration. This is an update on the exercise of that function.

(i) Anston Parish Council

Phil Beavers, Independent Person and the Monitoring Officer, attended a meeting of the Parish Council on 21st October 2013 to discuss the current position with regard to the large number of complaints and the proposed way forward. At the meeting the Parish Councillors re-newed their commitment to abide by the seven principles of public life (the Nolan principles) and to working actively to raise the standards of behaviour of elected members. Phil Beavers is to provide a further training session in December with the Parish Councillors.

The public joined the meeting and Phil Beavers explained the proposals for resolving the current difficulties. Phil Beavers proposed and the public and Councillors agreed to a voluntary moratorium on the submission of fresh complaints whilst the current training is on-going. Whilst complaints may still be submitted if they are considered to be of a similar nature to the complaints currently being resolved by way of informal resolution, the Monitoring Officer hold them on file. Phil Beavers is hopeful that following the training the Parish Council will be able to draw a line under the current situation and to conduct themselves in a manner appropriate to elected representatives.

The Committee should note that in September a further four complaints were received. These were referred to the Independent Person and are also to be dealt with by way of informal resolution.

In addition a complaint containing eleven allegations was received against a Parish Councillor, including bringing the Parish Council into disrepute, compromising impartiality, preventing access to information, gaining advantage for political purposes, breaching the equality duties and bullying.

The Monitoring Officer determined that the allegations were both politically motivated and tit-for-tat and therefore, in accordance with the Council's assessment criteria, the complaints did not proceed.

David Roper-Newman, Independent Person, also formed this view. At the the request of the complainant, David Roper-Newman and the Monitoring Officer, met with him and his legal representative to explain how this conclusion was reached

(ii) A complaint that a Borough Councillor acted in a threatening way and suggested that he could arrange for a parking ticket to be issued to a member of the public.

Upon consideration it was concluded by the Monitoring Officer that the Councillor was not acting in his public capacity and therefore the Code of Conduct was not engaged. Phil Beavers, Independent Person, formed the same view.

- (iii) A complaint that a Borough Councillor failed to pursue a matter on behalf of the complainant.

The Monitoring Officer concluded that the Councillor had not breached any of the requirements of the Code of Conduct. Phil Beavers, Independent Person, considered the information and, independently, came to the same conclusion

- (iv) Various complaints regarding the completeness of the Register of Interests forms of the Borough Councillors.

As a result of the complaint one member added the description "none" to the section of the register relating to the interests of his spouse.

The Monitoring Officer was satisfied that there was no breach of the Code of Conduct involved.

- (v) A query regarding whether the attendance at an external event required registration as hospitality by the Mayor.

The Monitoring Officer confirmed that as the event was accepted by the Mayor on behalf of the Borough and not in his private capacity, it did not require registration.

- (vi) A complaint that a Borough Councillor was rude to the complainant at a public event.

Following discussion the Councillor issued an apology.

There are currently two other complaints being considered by the Monitoring Officer and the Independent Persons.

8. Finance

None

9. Risks and Uncertainties

The proper consideration of complaints under the Code of Conduct will enhance the standing of all councils and elected members within the Borough.

10. Background Papers and Consultation

Files held by the Monitoring Officer

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