

**STANDARDS COMMITTEE
12th December, 2013**

Present:- Councillor Gosling (in the Chair); Councillors Gilding, Middleton, Sims, along with Parish Councillors Mr. D. Bates, Mr. D. Rowley and Mr. R. Swann and also Mr. I. Daines, Mr. P. Edler and Ms. J. Porter.

Apologies for absence were received from Councillors Pitchley, P. A. Russell and Tweed.

B13 MINUTES OF THE PREVIOUS MEETING HELD ON 12TH SEPTEMBER, 2013

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 12th September, 2013 be approved as a correct record.

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

B14 UPDATE FROM THE MONITORING OFFICER ON MATTERS REFERRED UNDER THE CODE OF CONDUCT FOR ELECTED MEMBERS

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

1. 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 that 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.

A further training sessions was to be provided in December with the Parish Councillors by Phil Beavers, Independent Person, which having been deferred once should take place on Monday, 16th December, 2013.

When members of the public joined the meeting Phil Beavers explained the proposals for resolving the current difficulties and proposed, to which members of the public and Councillors agreed, to a voluntary moratorium on the submission of fresh complaints whilst the current training was ongoing. Whilst complaints may still be submitted if they were 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 explained that he was hopeful that following the training the Parish Council would be able to move forward and conduct themselves in a manner appropriate to elected representatives.

It was also noted that in September a further four complaints were received. These were referred to the Independent Person and were 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 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.

(Councillor Gosling left the meeting at this point and did not participate on the debate relating to the following matter)

Councillor Sims assumed the Chair.

2. A complaint that a Borough Councillor acted in a threatening manner 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.

Discussion ensued on when an Elected Member was not acting on behalf of the Council and the Committee were advised about precedence set in court relating to the former Mayor of London, which set this out in detail.

(Councillor Gosling returned to the meeting at this point to continue with the following items)

Councillor Gosling in the Chair.

3. 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

4. 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.

5. 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.

6. A complaint that a Borough Councillor was rude to the complainant at a public event.

Following discussion the Councillor issued an apology.

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.

B15

UPDATE FROM THE MONITORING OFFICER

Consideration was given to the update presented by Jacqueline Collins, Monitoring Officer, which referred to general issues that have arisen with regard to Standards matters since the previous meeting and provided details on:-

1. Arising from the last meeting an advert was placed in the Rotherham Advertiser for two weeks seeking applications from Independent Co-opted Members, but no applications were received.

The role of the Independent Co-opted Member in the complaints process, was to sit on a panel that undertook the preliminary consideration of those complaints and made recommendations to the Standards Committee. The procedure detailed that the panel shall comprise of :-

“not less than three or more than five co in-opted independent members”.

To ensure that the procedure for considering complaints could continue to function the Committee should consider whether there were alternative ways to recruit Independent Co-opted Members, or whether to change the number upon the Standards Committee and panel (this would require approval by the full Council).

The Committee were united in their view that the number of co-opted Independent Members should remain at five and that the suggestions for seeking applications could extend to:-

- Contacting previously unsuccessful applicants for the Independent Person(s) position to see if they wished to consider being co-opted Independent Members.
- Contacting Voluntary Action Rotherham to ascertain if any volunteers had expressed any interests to be involved in civic life or the democratic process.
- Writing to all Parish Clerks to place an item on Parish Council agendas raising awareness with members of the public about the vacant positions.

It was also suggested that more interest may be generated about the vacancies should consideration be given to paying an allowance.

2. The Government issued guidance upon Openness and Transparency on Personal Interests in September, which related to the requirement for Councillors to register their Trade Union interests.

The Rotherham Code of Conduct already contained this obligation. Nevertheless the Monitoring Officer wrote to all Borough Councillors and to the Clerks of Town and Parish Councils to provide them with the guidance to remind them of the obligations.

3. David Roper-Newman, Independent Person, attended a course upon the role of the independent person and a copy of his report was provided to the Committee.

Mr. Roper-Newman confirmed that the course provided him with reassurance that the activities in Rotherham were acceptable.

Resolved:- (1) That the report and its contents be noted.

(2) That the appointment of two new co-opted Independent Members be subject to further advertisement and awareness raising as suggested at the meeting.

B16 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).

B17 UPDATE ON INVESTIGATION INTO INCIDENT ON 29TH APRIL 2013

Further to Minute No. 11 of the meeting of the Standards Committee held on 12th September, 2013, consideration as given to an report presented by Stuart Fletcher, Deputy Monitoring Officer, which provided an update on the investigation into an incident on 29th April 2013, involving two Councillors and the actions now being taken, following confirmation from South Yorkshire Police that their investigation had concluded.

Once the information requested had been received the Sub-Committee recommended at Minute No. B11(2) of the previous meeting would be convened to consider the preliminary issue regarding the "status" of the alleged perpetrator at the meeting and/or the preliminary issue and the alleged assault.

Resolved:- (1) That the position in respect of the investigation be noted.

(2) That a Sub-Committee be convened at the conclusion of the investigation to consider either (i) the preliminary issue regarding the "status" of the alleged perpetrator at the meeting or (ii) the preliminary issue and the alleged assault.

B18 DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place on Thursday, 13th March, 2013 at 2.00 p.m.