

Standards Committee

Wednesday 24 June 2015 at 4.30 pm

To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH

Membership

Councillors Bryan Lodge (Chair), Penny Baker, Ben Curran, Alan Law, Mary Lea, Pat Midgley, Vickie Priestley and Colin Ross.

Co-opted Members

John Atkinson, Alan Casbolt, Edward Fleming, Councillor Michael Appleby, Councillor Nigel Owen and Councillor Karen Southwood.

PUBLIC ACCESS TO THE MEETING

Each local authority is required to draw up and adopt a Code of Conduct for its members. The main role of the Standards Committee is to promote and maintain high standards of conduct throughout the City Council and Parish and Town Councils in its area and to help members to follow the Code of Conduct. This Committee operates outside the main Council structures and the Chair and Deputy Chair are independent from the Council.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Standards Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

If you require any further information please contact Dave Ross in Democratic Services on 0114 273 5033 or email dave.ross@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**STANDARDS COMMITTEE AGENDA
24 JUNE 2015**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public.
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Appointment of Deputy Chair**
To appoint a Deputy Chair of the Committee for 2015/16.
- 6. Minutes** (Pages 5 - 10)
To approve the minutes of the meetings of the Committee held on 22 January and 20 May 2015.
- 7. Member Development Update**
The Monitoring Officer to report.
- 8. Standards Committee Annual Report** (Pages 11 - 20)
Report of the Monitoring Officer.
- 9. Update on Standards Complaints** (Pages 21 - 24)
Report of the Monitoring Officer.
- 10. Establishment of Consideration and Hearing Sub-Committees** (Pages 25 - 28)
Report of the Monitoring Officer.
- 11. Audit of Political Engagement** (Pages 29 - 32)
Report of the Monitoring Officer.
- 12. Work Programme** (Pages 33 - 38)
Report of the Monitoring Officer.
- 13. Dates of Future Meetings**
To note that meetings of the Committee will be held on the following dates at 2.00 p.m.:-

- 17 September 2015
- 10 December 2015
- 17 March 2016
- 16 June 2016

(Note: At the close of the meeting there will be a training session for members of the Committee and the Independent Persons on ethics and the Code of Conduct)

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Standards Committee

Meeting held 22 January 2015

PRESENT: Councillors Penny Baker, Ben Curran, Alan Law, Mary Lea, Pat Midgley, Vickie Priestley, Colin Ross and Peter Price (Substitute Member).

Co-opted Members

Alan Casbolt and Edward Fleming.

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1. APPOINTMENT OF CHAIR

1.1 **Resolved:** That, in the absence of the Chair of the Committee (Councillor Bryan Lodge), Councillor Ben Curran is appointed Chair of the meeting until a Deputy Chair has been appointed.

2. APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillors Bryan Lodge, Malcolm Glover (Bradfield Parish Council) and Andy Bainbridge (Ecclesfield Parish Council) and John Atkinson.

2.2 Councillor Peter Price attended the meeting as a substitute for Councillor Lodge.

3. MEMBER DEVELOPMENT PROGRAMME

3.1 The Interim Director of Legal and Governance submitted a report on proposals for developing a policy and programme of Member Development that would be overseen, monitored and reviewed by the Standards Committee.

3.2 **Resolved:** That consideration of the report is deferred to allow further work in developing the Member Development Programme and consideration of the involvement of the Parish and Town Councils.

4. EXCLUSION OF PUBLIC AND PRESS

4.1 There were no items identified where resolutions may be moved to exclude the press and public.

5. DECLARATIONS OF INTEREST

5.1 There were no declarations of interest from Members of the Committee.

6. APPOINTMENT OF DEPUTY CHAIR

6.1 **Resolved:** That Councillor Alan Law is appointed as Deputy Chair of the Committee.

(Note: From this point, Councillor Law chaired the remainder of the meeting).

7. MINUTES OF LAST MEETING

- 7.1 The minutes of the meeting of the Committee held on 4 June 2014 were approved as a correct record.

8. UPDATE ON STANDARDS COMPLAINTS

- 8.1 The Interim Director of Legal and Governance introduced a report that provided information on complaints considered under the Procedure for Dealing with Standards Complaints during 2014/15. 13 complaints were considered, which included two from 2013, and eight had been concluded, three were being investigated and two were pending.

- 8.2 **Resolved:** That the contents of the report is noted.

9. REVISED PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

- 9.1 The Interim Director of Legal and Governance introduced a report that contained a draft revised Procedure for Dealing with Standards Complaints that had been developed following a recent review. The revised Procedure incorporated both the City Council and Joint Parish and Town Councils' Procedures and provided greater clarity of the process for the complainant and the Member who was the subject of the complaint. Appended to the report were the existing and revised Procedures.

- 9.2 The Interim Director indicated that the main proposed changes and features of the revised Procedure were:-

- Having one Procedure for complaints relating to the City, Parish and Town Councils and Co-opted members.
- Providing a complaint form that would include the opportunity for the complainant to indicate any remedy they were seeking in submitting the complaint.
- Asking the Member to submit a statement of fact in response to the complaint at the start of the process.
- The Leader of the relevant political Group, Group Whip and Chair of the Standards Committee would be informed that a complaint has been received.
- Where necessary, seeking or clarifying information from both parties earlier in the process.
- Including timescales for each stage of the process.
- Clarifying the process for an investigation.
- Having a Consideration Sub-Committee to consider investigation reports.
- A Hearing Sub-Committee comprising three Councillors and one non-voting co-opted Independent Member.
- Providing both parties with information on the pre-hearing process and procedure at a hearing.
- There would be no right of appeal.

9.3 In response to questions from Members of the Committee relating to there being no right of appeal, the Interim Director indicated that there was no right of appeal within the process, however a complainant always has a right to ask the Local Government Ombudsman to investigate if they felt that the Council had not dealt with their complaint properly.

9.4 **Resolved:** That:-

- (a) the Committee recommends to Full Council:-
 - (i) the adoption of the Revised Procedure for Dealing with Standards Complaints, as set out in Appendix A of the report now submitted;
 - (ii) the establishment of Consideration and Hearing Sub-Committees of the Standards Committee, as set out in the report and
 - (iii) that the Constitution is amended accordingly;
- (b) the revised Procedure for Dealing with Standards Complaints is referred to the Parish and Town Councils for consideration; and
- (c) if the revised Procedure is adopted by Full Council, the Director of Legal and Governance is requested to review the operation of the new Procedure in 12 months' time.

10. WORK PROGRAMME

10.1 The Interim Director of Legal and Governance submitted a report outlining a proposed work programme for the Committee for 2015/16 and asking Members to identify any further items for inclusion.

10.2 In respect of the proposed training session on the Members' Code of Conduct on 24 June 2015, the Interim Director indicated that this could include any other areas identified by Members.

10.3 In response to a question from a Member of the Committee on the proposed Consideration and Hearing Sub-Committees, the Interim Director indicated that the Members of those Sub-Committees would be drawn from the Standards Committee and there would be training for Members prior to any hearing.

10.4 **Resolved** that:-

- (a) the work programme is approved;
- (b) members of the Committee are requested to identify any further areas to be included in the training session to be held on 24 June 2015 and inform the Director of Legal and Governance; and
- (c) subject to the adoption by Full Council of the revised Procedure for Dealing

with Standards Complaints, the Director of Legal and Governance is requested to arrange training for Members of the Committee on the new Procedure and for Members sitting at any hearing.

11. DATES OF FUTURE MEETINGS

- 11.1 It was noted that meetings of the Committee would be held on 11 March and 24 June at 2.00 p.m.

SHEFFIELD CITY COUNCIL

Standards Committee

Meeting held 20 May 2015

PRESENT: Councillors Bryan Lodge (Chair), Penny Baker, Ben Curran, Alan Law, Mary Lea, Pat Midgley, Vickie Priestley and Colin Ross.

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1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. APPOINTMENT OF CHAIR

Resolved: That Councillor Bryan Lodge be appointed Chair of the Committee for 2015/16.

3. TO FIX DAY AND TIME OF MEETING

Resolved: That meetings of the Committee be held as and when required on dates and times to be determined by the Chair.

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Standards Committee Report

Report of: Monitoring Officer

Date: 24 June 2015

Subject: Standards Committee Annual Report

Author of Report: Dave Ross, Democratic Services

Summary:

The report highlights the activities of the Committee and provides details of the outcome of the Standards complaints received from January 2014 to May 2015.

Recommendations:

That the Committee:-

- (a) Comments on the Annual Report; and
 - (b) Approves the report for submission to Full Council in September 2015
-

Background Papers: None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
/NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

STANDARDS COMMITTEE

ANNUAL REPORT 2014/15

To be considered at the Council Meeting on 9 September 2015



FOREWORD

I am pleased to present this Annual report which is the first since changes to the Standards regime were introduced in 2012 and provides a summary of activities in 2014/15.

I would like to thank our three Independent Persons, Stuart Carvell, Marvyn Moore and David Waxman, for their work in assisting the Monitoring Officer.

Going forward, I recognise the additional role the Committee can play in monitoring and reviewing a policy and programme of Member development.

I recommend that Council receives this report on Standards Committee activities in 2014/15.

Councillor Bryan Lodge
Chair of the Standards Committee
June 2015

DRAFT

STANDARDS COMMITTEE ANNUAL REPORT 2014/15

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1. Introduction

- 1.1 This is the third Annual Report of the Standards Committee and covers the period from January 2014 to May 2015.
- 1.2 Changes to the Standards regime were introduced in July 2012 following the Localism Act 2011. Although it was no longer a statutory requirement to have a Standards Committee, Full Council approved the retention of a Committee to deal with complaints and adopted a new Members' Code of Conduct and a Procedure for Dealing with Standards Complaints. The three Parish and Town Councils adopted a Joint Members Code of Conduct and a Joint Procedure for Dealing with Standards Complaints.
- 1.3 Three Independent Persons were appointed jointly with Barnsley Council and the South Yorkshire Joint Secretariat to assist the Monitoring Officer in dealing with complaints.

2. Role of the Standards Committee

- 2.1 The responsibilities of the Committee, as set out in the Constitution, are:
- (a) Promoting and maintaining high standards of conduct by Councillors, Co-opted Members Representatives on Committees and Sub-Committees.
 - (b) Assisting Councillors, Co-opted Members and Representatives to observe the Councillors' Code of Conduct.
 - (c) Advising the Council on the adoption or revision of the Councillors' Code of Conduct and Protocols relating to Councillor and Officer Behaviour.
 - (d) Monitoring the operation of the Councillors' Code of Conduct.
 - (e) Advising, training or arranging to train Councillors, Co-opted Members and Representatives on matters relating to the Members' Code of Conduct.
 - (f) Discharging the functions of, hearing complaints against Councillors concerning the Members' Code of Conduct referred to them by the Monitoring Officer.
 - (g) The exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
 - (h) Advising the Council on the adoption and revision of its Whistle-blowing Policy and monitoring the operation of that Policy.
 - (i) Monitoring and reviewing procedures relating to gifts, hospitality and personal interests, for Councillors and officers.
 - (j) Monitoring the Council's response to complaints to the Ombudsman.
 - (k) Undertaking such other functions as the Council may delegate to the Committee.

3. **Members of the Committee**

3.1 The Committee has 12 members comprising eight City Councillors and 4 non-voting co-opted members (including 1 representative of the three Parish and Town Councils drawn from a pool of three representatives). In 2014/15, the membership was:

- Councillor Bryan Lodge (Chair)
- Councillor Alan Law (Deputy Chair)
- Councillor Penny Baker
- Councillor Ben Curran
- Councillor Mary Lea
- Councillor Pat Midgley
- Councillor Vickie Priestley
- Councillor Colin Ross

(In addition there is a pool of four substitutes that could be used if a City Councillor was unable to attend and these were Councillors David Baker, Andrew Sangar, Talib Hussain and Peter Price).

Co-opted Members:-

- John Atkinson
- Alan Casbolt
- Edward Fleming
- Councillor Malcolm Glover (Bradfield Parish Council), Councillor Andy Bainbridge (Ecclesfield Parish Council) and Councillor Nigel Owen (Stocksbridge Town Council).

4. **Monitoring Officer/Support to the Committee**

4.1 Gillian Duckworth is the Council's Monitoring Officer and Director of Legal and Governance. The Monitoring Officer is a statutory role that:-

- Supports the Standards Committee and the three Independent Persons
- Contributes to the promotion and maintenance of high standards of conduct within the Council
- Maintains systems and processes for dealing with allegations of breaches of the Code of Conduct for Members
- Investigates and reports to the Standards Committee on allegations of breaches of the Code of Conduct for Members
- Has rights of access to any information from Members and/or officers in connection with a standards complaint
- Establishes and maintains registers of members' interests, gifts and hospitality
- Acts a point of contact for advice and/or queries by elected members
- Maintains and updates the Constitution
- Advises on various issues, poor administration and impropriety
- Attends all meetings of the Cabinet whether public or private

4.2 Further support to the Committee is provided by Jason Dietsch (Head of Member Services) and Dave Ross (Democratic Services).

5. Complaints

5.1 The Procedure for Dealing with Standards Complaints adopted by Full Council in July 2012 sets out how the Council will deal with complaints alleging a breach of the Members' Code of Conduct. The Procedure sought to be more flexible than the previous statutory scheme and able to deal with complaints quicker and be less resource intensive. This involved the Monitoring Officer, in consultation with the Independent Person, taking steps to mediate and resolve issues with only the more serious matters referred to the Standards Committee.

5.2 For comparison, the number of complaints made per year and a breakdown by the type of complainant is set out below:-

Complainant	2013	2014	2015 (Jan-May)
Member of the public	9	5	3
Community organisation	1	3	0
Councillor	11	2	0
Trade Union	0	1	0
Total	21	11	3

5.3 The outcome of the 14 complaints received from January 2014 to May 2015 is set out below:-

Outcome	No.
No further action as insufficient information received	1
No further action as insufficient information received to identify the Councillor	1
Not a Standards Matter	1
Written complaint not received	1
Apology offered	1
No potential breach of the Code	6
Referred for Investigation and no failure to comply with the Code of Conduct	3

5.4 During the year a review was undertaken by the Monitoring Officer of the Procedure for Dealing with Standards Complaints. A revised Procedure was considered by the Standards Committee at its meeting on 22 January 2015 and adopted by Full Council on 25 March 2015. The revised Procedure incorporates both the City and Joint Parish and Town Councils' Procedure and provides greater clarity of the process for the complainant and Member who is the subject of the complaint. The Monitoring Officer will review the Procedure in a year's time.

6. **Independent Persons**

- 6.1 The three Independent Persons, Stuart Carvell, Marvyn Moore and David Waxman, provide invaluable assistance to the Monitoring Officer in dealing with Standards complaints. An Independent Person is involved in each complaint and consulted at each stage of the process.

7. **Parish and Town Councils**

- 7.1 The Monitoring Officer provides advice and support to the three Parish and Town Councils and this included the two Standards complaints dealt with in 2014 relating to Stocksbridge Town Council.

8. **Training and Development**

- 8.1 As part of the induction for new Councillors, information was provided on the Members' Code of Conduct, the Standards regime, the Register of Interests, the key principles of good governance, the Member/Officer Relations Protocol and how the Council and decision making works.

- 8.2 It is proposed that there will be an annual training session for the Standards Committee on Standards related issues. Training will also be offered to the Parish and Town Councillors.

9. **Other Areas of Work**

- 9.1 The Monitoring Officer has ensured that all new Councillors had submitted their Register of Interests form relating to Disclosable Pecuniary Interests and Other Interests and that existing Councillors had reviewed and updated their interests.

- 9.2 The Monitoring Officer maintains a regular dialogue with the Council's other Statutory officers to consider and review governance arrangements. The Monitoring Officer also maintains regular dialogue around Governance with the Group Leaders at Corporate Members' Group which is scheduled on a quarterly basis.

10. **Lessons Learned**

- 10.1 The learning from dealing with the complaints made prior to 2015 has been incorporated into the revised Procedure for Dealing with Standards Complaints that was adopted by Full Council in March 2015. In particular, a number of the features of the new Procedure are:-

- Providing a complaint form that would include the opportunity for the complainant to indicate any remedy they were seeking in submitting the complaint.
- Asking the Member to submit a statement of fact in response to the complaint at the start of the process.
- Where necessary, seeking or clarifying information from both parties earlier in the process.
- Including timescales for each stage of the process.

- Clarifying the process for an investigation.
- Having a Consideration Sub-Committee to consider investigation reports.
- A Hearing Sub-Committee comprising three Councillors and one non-voting co-opted Independent Member.
- Providing both parties with information on the pre-hearing process and procedure at a hearing.
- There would be no right of appeal within the Council, although the complainant could ask the Local Government Ombudsman to investigate if they felt that the Council had not dealt with their complaint properly.

11. **The Year Ahead**

- 11.1 As the Committee only met once during the year, the Chair is keen for regular meetings in the future. A work programme has been developed based on four core meetings that will receive updates on Standards complaints and include reports on a Review of the Whistleblowing Policy, the Annual Report on Complaints to the Ombudsman and a review of the Standards complaints procedure. Meetings of the Consideration and Hearing Sub-Committees would be arranged as and when required to deal with complaints.

12. **Recommendation**

- 12.1 That Council receives and notes this report on the work of the Standards Committee in 2014/15.



Standards Committee Report

Report of: The Monitoring Officer

Date: 24 June 2015

Subject: Update on Standards Complaints

Author of Report: Dave Ross, Democratic Services

Summary:

The report provides information on the complaints considered under the Procedure for Dealing with Standards Complaints in 2014/15.

Recommendations:

The Committee is asked to note the contents of the report.

Background Papers: Procedure for Dealing with Standards Complaints - July 2013

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
Not applicable
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

UPDATE ON STANDARDS COMPLAINTS

1.0 Introduction

- 1.1 The report provides information on the complaints considered under the Procedure for Dealing with Standards Complaints during 2014/15.
- 1.2 The Procedure was adopted by the Council in July 2012 to meet the requirements of the Localism Act 2011 for Councils to promote high standards of Member conduct, adopt a Code of Conduct and introduce a process for investigating complaints. The Council also appointed three Independent Persons to assist the Monitoring Officer and Standards Committee in dealing with complaints (Stuart Carvell, Marvyn Moore and David Waxman).
- 1.3 Further to consideration at the meeting of this committee on 22 January 2015, a new Procedure for Dealing with Complaints regarding City, Parish and Town Councillors and Co-opted Members was approved by Full Council at its meeting on 25 March 2015.

2.0 Summary of Complaints

- 2.1 The Monitoring Officer considered complaints relating to potential breaches of the Members' Code of Conduct in consultation with one of the three Independent Persons.
- 2.2 14 complaints were considered under the previous Procedure during 2014/15 and a summary is set out below:-

Case Reference	Complainant	Council	Outcome
2014.01	Community organisation	Sheffield	Referred for Investigation and no failure to comply with the Code of Conduct
2014.02	Member of the public	Sheffield	No further action as further information not received (superseded by 2014.09)
2014.03	Community organisation	Sheffield	Referred for Investigation and no failure to comply with the Code of Conduct
2014.04	Member of the public	Sheffield	Not a Standards matter
2014.05	Councillor	Stocksbridge	Apology offered
2014.06	Councillor	Stocksbridge	No potential breach of the Code
2014.07	Member of the public	Sheffield	Written complaint not received
2014.08	Community organisation	Sheffield	No potential breach of the Code of Conduct

2014.09	Member of the public	Sheffield	No potential breach of the Code of Conduct
2014.10	Member of the public	Sheffield	No further action as insufficient information to identify the Councillor
2014.11	Trade Union	Sheffield	Referred for Investigation and no failure to comply with the Code of Conduct
2015.01	Member of the public	Sheffield	No potential breach of the Code of Conduct
2015.02	Member of the public	Sheffield	No potential breach of the Code of Conduct
2015.03	Member of the public	Sheffield	No potential breach of the Code of Conduct

2.3 No complaints have been received under the new Procedure that was adopted in March and there will be a review of the Procedure in a year's time.

3.0 Recommendation

3.1 The Committee is asked to note the contents of the report.

Monitoring Officer



Standards Committee Report

Report of: Monitoring Officer

Date: 24 June 2015

Subject: Establishment of Consideration and Hearing Sub-Committees

Author of Report: Dave Ross, Democratic Services

Summary:

To approve the establishment of Consideration and Hearing Sub-Committees following the adoption by Full Council of the revised Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members.

Recommendations:

That this Committee (i) establishes a Consideration Sub-Committee and a Hearing Sub-Committee in accordance with Article 9 of the Constitution to discharge the functions in relation to considering investigation reports and hearing complaints in accordance with the Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members adopted by Full Council on 25 March 2015;

(ii) agrees that the membership of the Sub-Committees shall be three Members plus one non-voting co-opted member should be present and, where a Parish or Town Council matter is being considered, a representative of the Parish or Town Councils should also be present; and

(iii) delegates authority to the Director of Legal and Governance to make the necessary arrangements for the meetings of the Consideration and Hearing Sub-Committees to be held as and when required.

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by: Gillian Duckworth
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
NONE
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

ESTABLISHMENT OF CONSIDERATION AND HEARING SUB-COMMITTEES

1.0 Introduction

- 1.1 The meeting of this Committee on 22 January 2015 considered a revised Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members and this was adopted by Full Council at its meeting on 25 March 2015.
- 1.2 The revised Procedure included a process for investigations and consideration of the Investigating Officer's report by a Consideration Sub-Committee and, where necessary, a Hearing Sub-Committee to decide if there had been a breach of the Members' Code of Conduct. This report seeks formal approval to the establishment of the Sub-Committees.

2.0 Arrangements for the Sub-Committees

- 2.1 Where a complaint has been referred for investigation by the Monitoring Officer, the Consideration Sub-Committee will consider the Investigating Officer's report and, after taking the views of the Independent Person into account, can:-

(a) take no action where there is no evidence of a failure to comply with the Code of Conduct or

(b) take no action where there is no evidence of a failure to comply with the Code of Conduct but make a recommendation to the Authority with a view to promoting and maintaining high conduct of standards in general (e.g. proposed changes to internal procedures or training for Members) or

(c) ask the Monitoring Officer, where possible, to seek a local resolution to the complaint or

(d) refer the matter to a Standards Committee Hearing.

- 2.2 The Hearing Sub-Committee will meet to consider a referral of a complaint and the Investigating Officer's report by (a) the Consideration Sub-Committee or (b) the Monitoring Officer, in consultation with the Independent Person and Chair of the Standards Committee, if a local resolution has not been possible. The Sub-Committee will:-

- Make findings of fact
- Decide if there has been a breach of the Members' Code of Conduct
- Consider the remedies/sanctions available if there is a finding that the Member has breached the Code of Conduct and make recommendations accordingly.

- 2.3 The membership for both Sub-Committees shall be three Members drawn from the members of the Standards Committee. As set out in

Article 9 of the Constitution, the quorum of any Sub-Committee of the Committee is three Members and must include representatives of two political parties. The quorum arrangements also require that one non-voting co-opted member should be present at meetings of the Committee and where a Parish or Town Council matter is being considered, a representative of the Parish or Town Councils should also be present and it is proposed that these arrangements should continue for the Sub-Committees.

3.0 Recommendations

3.1 That this Committee (i) establishes a Consideration Sub-Committee and a Hearing Sub-Committee in accordance with Article 9 of the Constitution to discharge the functions in relation to considering investigation reports and hearing complaints in accordance with the Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members adopted by Full Council on 25 March 2015;

(ii) agrees that the membership of the Sub-Committees shall be three Members plus one non-voting co-opted member should be present and, where a Parish or Town Council matter is being considered, a representative of the Parish or Town Councils should also be present; and

3.2 (iii) delegates authority to the Director of Legal and Governance to make the necessary arrangements for the meetings of the Consideration and Hearing Sub-Committees to be held as and when required.

Monitoring Officer



Standards Committee Report

Report of: Monitoring Officer

Date: 24 June 2014

Subject: Audit of Political Engagement 2015

Author of Report: Dave Ross, Democratic Services

Summary:

The Hansard Society has recently published its 12th report on the Audit of Political Engagement and this report highlights the findings of the report in relation to standards in public life

Recommendations:

That the Committee (a) notes the report and (b) considers whether there any ways in which the Council can improve people's perceptions regarding standards of conduct in public life.

Background Papers: Hansard Society Audit of Political Engagement Report 2015

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

AUDIT OF POLITICAL ENGAGEMENT

1.0 INTRODUCTION

1.1 The Hansard Society recently published its 12th Audit of Political Engagement that gauges public opinion about politics and the political system and more broadly provides a health check on the country's democracy.

1.2 For the first time the Audit records public attitudes towards conduct in public life taken from a survey undertaken by the Committee on Standards in Public Life (CSPL). This report highlights the data and headline findings from that section of the Audit.

1.3 The Audit and CPSL survey can be downloaded at :-

<http://www.auditofpoliticalengagement.org/>

<https://www.gov.uk/government/publications/survey-of-public-attitudes-towards-conduct-in-public-life-2015>.

2.0 HEADLINE FINDINGS

2.1 The survey asked key questions relating to public attitudes towards conduct in public life and the headline findings are:-

(a) **Overall standards of conduct of public office holders**

Just 18% of the public think that the standards of conduct of public office holders are high, while twice as many (36%) believe, on the contrary, that standards are low.

(b) **Change in standards of public office holders**

More respondents thought that the standards of conduct of public office holders had got worse (36%) than had improved (16%).

(c) **Confidence that authorities are committed to upholding standards in public life**

Over half of the respondents (56%) were not confident that authorities are committed to upholding standards in public life.

(d) **Confidence that authorities will generally uncover wrongdoing by people in public office**

Most respondents (61%) were not confident that authorities will uncover wrongdoing by people in public office.

(e) **Confidence that the media will generally uncover wrongdoing by people in public office**

Most respondents (58%) were confident that the media will generally uncover wrongdoing by people in public office.

(f) **Confidence that the authorities will punish those caught doing wrong**

Most respondents (63%) were not confident that people in public office caught doing wrong would be punished.

(g) **Satisfaction with Britain's political system and public attitudes towards conduct in public life**

Those who were positive about Britain's political system also gave more positive answers about standards of conduct in public life, suggesting an association between attitudes towards the political system in general and perceptions of standards of conduct in public life.

3.0 CONCLUSION

3.1 The report highlights the fairly negative views of the respondents about the standards of conduct in public life and generally, the responses were more negative than in any the previous surveys undertaken by the CSPL.

3.2 It is considered an appropriate opportunity to discuss the issues raised by the Audit and whether there any ways in which the Council can improve people's perceptions regarding standards of conduct in public life.

4.0 RECOMMENDATIONS

4.1 That the Committee:-

(a) notes the report; and

(b) considers whether there any ways in which the Council can improve people's perceptions regarding standards of conduct in public life.

Monitoring Officer



Standards Committee Report

Report of: Monitoring Officer

Date: 24 June 2015

Subject: Work Programme

Author of Report: Dave Ross, Democratic Services

Summary:

The report provides details of a proposed work programme for the Committee

Recommendations:

That the Committee:-

(a) considers the Work Programme and identifies any further items for inclusion;
and

(b) approves the work programme.

Background Papers:

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
NONE
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

WORK PROGRAMME

1. Purpose of Report

- 1.1 To consider an outline work programme for the Committee and to identify any further items for inclusion.

2. Work Programme

- 2.1 It is intended that there will be at least four general meetings of the Committee during the year with additional meetings of the Sub-Committees to deal with any Standards complaints as necessary.
- 2.2 The work programme is based around the attached terms of reference and will be developed during the year.
- 2.3 An outline programme is set out below and Members are asked to identify any further items for inclusion.

Date	Items	Officer
17 September 2015	Annual Report on Complaints to the Ombudsman	Jenny Callaghan
	Member Development Programme	Gillian Duckworth
	To review: <ul style="list-style-type: none"> Members' Code of Conduct Protocols relating to Councillor and Officer Behaviour Procedures relating to Gifts and Hospitality 	Gillian Duckworth/Dave Ross
	Update on Standards Complaints	Dave Ross
	Work Programme	Dave Ross
10 December 2015	Review of the Whistleblowing Policy	Gillian Duckworth
	Update on Standards Complaints	Dave Ross
	Work Programme	Dave Ross
17 March 2016	Review of Standards Complaints Procedure	Gillian Duckworth/Dave Ross
	Update on Standards Complaints	Dave Ross
	Work Programme	Dave Ross
	To review: <ul style="list-style-type: none"> Members' Code of Conduct Procedures relating to Gifts and Hospitality 	Gillian Duckworth/Dave Ross

	<ul style="list-style-type: none"> • Protocols relating to Councillor and Officer Behaviour 	
16 June 2016	Annual Standards Report to Council	Dave Ross
	Work Programme	Dave Ross
	Annual training session on the Code of Conduct etc.	Gillian Duckworth

3. Recommendation

3.1 That the Committee:-

- (a) considers the Work Programme and identifies any further items for inclusion; and
- (b) approves the work programme.

Monitoring Officer

Appendix - Standards Committee Terms of Reference

- (a) Promoting and maintaining high standards of conduct by Councillors, Co-opted Members Representatives on Committees and Sub-Committees.
- (b) Assisting Councillors, Co-opted Members and Representatives to observe the Councillors' Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Councillors' Code of Conduct and Protocols relating to Councillor and Officer behaviour.
- (d) Monitoring the operation of the Councillors' Code of Conduct.
- (e) Advising, training or arranging to train Councillors, Co-opted Members and Representatives on matters relating to the Members' Code of Conduct.
- (f) Discharging the functions of, hearing complaints against Councillors concerning the Members' Code of Conduct referred to them by the Monitoring Officer.
- (g) The exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- (h) Advising the Council on the adoption and revision of its Whistle-blowing Policy and monitoring the operation of that Policy.
- (i) Monitoring and reviewing procedures relating to gifts, hospitality and personal interests, for Councillors and officers.
- (j) Monitoring the Council's response to complaints to the Ombudsman.
- (k) Undertaking such other functions as the Council may delegate to the Committee.

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