

Audit and Standards Committee

Thursday 24 February 2022 at 5.00 pm

Town Hall, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillors Sioned-Mair Richards (Chair), Simon Clement-Jones (Deputy Chair), Angela Argenzio, Mohammed Mahroof, Josie Paszek, Ben Curran and David Barker.

Independent Co-opted Members

Alison Howard.

PUBLIC ACCESS TO THE MEETING

The Audit and Standards Committee oversees and assesses the Council's risk management, control and corporate governance arrangements and advises the Council on the adequacy and effectiveness of these arrangements. The Committee has delegated powers to approve the Council's Statement of Accounts and consider the Annual Letter from the External Auditor.

The Committee is also responsible for promoting high standards of conduct by Councillors and co-opted members.

A copy of the agenda and reports is available on the Council's website at <http://democracy.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.

Recording is allowed at meetings of the Committee under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

If you require any further information please contact Sarah Cottam in Democratic Services on 0114 273 5033 or email sarah.cottam@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.

**AUDIT AND STANDARDS COMMITTEE AGENDA
24 FEBRUARY 2022**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of the Press and Public**
To identify items where resolutions may be moved to exclude the press and public.
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meeting** (Pages 9 - 16)
To approve the minutes of the meeting of the Committee held on 20 January 2022
- 6. Review of the Procedure for Dealing with Standards Complaints and Members Code of Conduct** (Pages 17 - 54)
Report of the Director of Legal & Governance
- 7. Annual Standards Report** (Pages 55 - 66)
Report of the Director of Legal & Governance
- 8. Work Programme** (Pages 67 - 74)
Report of the Director of Legal and Governance
- 9. Dates of Future Meetings**
To note that meetings of the Committee will be held at 5.00 p.m. on:-

24 March 2022
16 June 2022
21 July 2022

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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 Audit and 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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Audit and Standards Committee

Meeting held 20 January 2022

PRESENT: Councillors Sioned-Mair Richards (Chair), Simon Clement-Jones (Deputy Chair), Angela Argenzio, Josie Paszek, Ben Curran, David Barker and Alison Howard Co-opted Member.

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillor Mohammed Mahroof.

2. EXCLUSION OF THE PRESS AND PUBLIC

2.1 No items were identified where resolutions may be moved to exclude the press and public.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest made at the meeting.

4. MINUTES OF PREVIOUS MEETING

4.1 **RESOLVED:** The minutes of the previous meeting held on 21 October 2021 were approved a correct record.

5. REPORT OF THOSE CHARGED WITH GOVERNANCE (ISA 260)

5.1 Janet Dawson and Hayley Clark, External Audit, Ernst & Young (EY) were in attendance to answer any questions the Committee had. EY also provided the Committee with the Report of those Charged with Governance (ISA 260) which outlined the findings arising from the external audit to date.

5.2 Janet Dawson explained the status of the audit for 2020/21 was set out on page 5 of their report. Ernst & Young still had to finalise some areas but anticipated this would be completed over the coming weeks. The substantive amount of audit was already complete.

5.3 Once the audit was complete, Ernst & Young would then be in position to provide an unqualified opinion on the financial statements, subject to no further findings arising. Some of the unadjusted findings from the auditor's report were then discussed.

5.4 Hayley Clark highlighted that EY had identified that there was a proportion of the Council's investment property which the Council had the right to use which had not been accounted for as an asset. This

was estimated to be between £1.8m and £3m.

- 5.5 It was mentioned that page 15 of their report, showed that the pension fund auditor had alerted EY to an unadjusted error of £9.7 million in relation to the return on investment assets within the financial statements of the South Yorkshire Pension Authority. The Council's share of this, which would lead to a reduction in the Council's pension liability, is £2.6 million.
- 5.6 Members of the Committee asked questions and the following responses were provided: -
- 5.7 Hayley Clark explained the £2.5m reported on page 16, had been identified in the previous year's Audit Results Report. The decision taken last year was to not adjust at that time, and was considered as a miscalculation in PFI model. It was added that this had now been corrected in this year's Audit Results Report.
- 5.8 **RESOLVED:** That the Committee **(1)** noted the report and its findings; and **(2)** granted delegated authority for the Chair to sign the Letter of Management Representations and the Statement of Accounts when final audit procedures are concluded.

6. STATEMENT OF ACCOUNTS 2020/21

- 6.1 The Committee received a report of the Executive Director Resources. The purpose of the report was to communicate any relevant matters arising from the external audit of the 2020/21 Statement of Accounts to Members.
- 6.2 The Head of Strategic Finance, Dave Phillips, requested that approval be delegated to the Chair of the Audit and Standards Committee, in consultation with the Section 151 Officer, to conclude the audit by signing the Letter of Management Representations and the Statement of Accounts for 2020/21 on the conclusion of the audit by Ernst & Young.
- 6.3 The Head of Strategic Finance informed that Committee there had been three main areas of movement which had impacted the Council's Statement of Accounts. These were: -
- Covid Grants
 - Council Housing
 - Property Services valuations
- 6.4 The Head of Strategic Finance agreed to investigate why Sheffield had an outstanding long-term debt of over £1m pounds to Doncaster Council.
- 6.5 The Head of Strategic Finance explained the increase in creditors figure from £181,236k to £301,458k was again Covid related and due

to grants and business rates. The Executive Director Resources, Eugene Walker added that due to the significant number of business rates been cancelled or relieved, the Government compensated the Council to cover these which caused the figure to increase.

- 6.6 Clair Sharratt, Senior Finance Manager, stated that page 152 of the report gave a more detailed breakdown on the expenditure for Housing Revenue Accounts and that the difference between the years was due to variations in the property valuations of the Housing stock.
- 6.7 The Head of Strategic Finance advised that the Council did not have a specific climate change reserve although other reserves could be used if crucial.
- 6.8 **RESOLVED:** That **(1)** the Audit and Standards Committee noted the 2020/21 Sheffield City Council Audit Results Report; and **(2)** the Audit and Standards Committee approved the Statement of Accounts for 2020/21 and requested that approval was delegated to the Chair of the Audit and Standards Committee to conclude the audit by signing the Letter of Management Representations and the Statement of Accounts for 2020/21 on conclusion of the audit by Ernst & Young LLP (EY).

7. INFORMATION GOVERNANCE ANNUAL REPORT

- 7.1 The Committee received a report of the Director of Business Change and Information Solutions which aimed to provide assurance around the policies, processes and practices employed to ensure the Council met those requirements.
- 7.2 The Senior Information Management Officer, Sarah Green, stated that the Council had worked hard to ensure that requirements are met through various frameworks and the UK GDPR action plan.
- 7.3 The Council had handled 326 Subject Access Requests (SAR) in 2020/21, in which 170 were answered in time. This meant the overall SAR performance figure had dropped from 85% to 52%. This was due to the suspension of request handling in response to the COVID-19 pandemic.
- 7.4 Additional Resource had been put in place to focus on SAR's and improve performance.
- 7.5 The Council had received 1543 Freedom of Information Requests (FOI) in 2020/21, in which 64% were answered in time. The response rate the previous year was 93%. The Information Governance Board's target response rate was 95%. It was added that failure to comply with the target response rate, could mean the Council has to pay a fine or carry out an inspection although this was unlikely as the response rate was increasing.

- 7.6 The Council had introduced sensitivity labels, which had to be identified before sending an email or working on a document. Sensitivity labels classify the Council's data to show how sensitive it is. This helps reduce risks and protect data.
- 7.7 In 2020/21 there was 262 incidents logged through the Council's information security incident process. 109 of these were personal data breaches, most were human error with emails or post. 8 of the breaches were considered to meet the risk threshold and were reported to the Information Commissioners Office (ICO).
- 7.8 The Council had several Information Governance training modules available for staff. The main one was the Information Governance training which is rolled out each year to staff and was mandatory. A new mandatory data protection module was added to the Sheffield Development Hub in January 2021, in which 88% of council employees has carried out as of December 2021.
- 7.9 Members of the Committee asked questions and the following responses were provided: -
- 7.10 Sarah Green confirmed that staff were redeployed through the pandemic to support other areas in the Council which impacted on response times for SAR's. It was mentioned that all those members of staff are now back in post.
- 7.11 Sarah Green informed the Committee that staff had carried out additional training on security when working from home therefore she was confident that staff understood the differences when in a different work environment.
- 7.12 New training for Officers and Members was currently ongoing, this would aim to improve response rates as it would inform people on what to look out for and how to respond appropriately in the required timeframe.
- 7.13 Sarah Green stated that some of the recommendations from the ICO following the 8 breaches reported were generic. Other recommendations were specific and related to that breach. Examples were given of generic recommendations, these were:
- Deliver more training
 - Use stronger passwords
 - Not to leave information open for others to view
- 7.14 A Member of the Committee suggested the level of impact was recorded in future reports as 1 incident could have impacted several people therefore to severity would be more than what is currently shown.

7.15 The Chair thanked Sarah Green and Leon Kaplan for attending the meeting.

7.16 **RESOLVED:** That the Committee noted the annual information governance update.

8. WHISTLEBLOWING POLICY REVIEW

8.1 The Committee received a report of the Director of Legal and Governance. The report provided the committee with information on activity under the Whistleblowing Policy from 2018 to present date. It provided details of the plans to publicise the Whistleblowing Policy. It also informed the Committee on the planned recruitment, support, training and development to equip a refocused group of Contact Advisors.

8.2 The Head of HR, Claire Corneille, informed the Committee the Whistleblowing Policy had been reviewed and considered as still fit for purpose although there had been several amendments.

8.3 Since 2018, there had been 5 reports of Whistleblowing within the Council. This was relatively low for the size and complexity of Sheffield City Council.

8.4 It was mentioned that other methods of reporting incidents had taken place, therefore a primary objective was to promote the Whistleblowing and encourage staff to use the Whistleblowing Policy when appropriate.

8.5 Claire Corneille explained that there is an intention to increase the resource in place to support staff through the process. 7 contact advisors had been recruited along historically, with just 5 remaining. There are 7 Whistleblowing contacts also detailed in the Policy.

8.6 Members of the Committee asked questions and the following responses were provided: -

8.7 Claire Corneille advised that newly created networks and representative groups could be asked if they would be prepared to acknowledge receipts of Whistleblowing claims.

8.8 Claire Corneille stated that each case is individual therefore there was no timeframe for dealing with these.

8.9 Claire Corneille was unable to explain why all the cases since 2018 were reported from employees in the people's portfolio. The Committee were informed that going forward, there will be advisors available in each portfolio in the hope that people are more comfortable to whistle blow with people they may know or work closely with.

- 8.10 It was stated that trade unions are supportive of the Whistleblowing Policy. They are available to support individuals considering Whistleblowing and to provide ongoing support through the process.
- 8.11 There was no required qualification to be a Whistleblowing contact advisor and colleagues of all grades and backgrounds will be encouraged to be involved through the planned campaign to recruit more.
- 8.12 **RESOLVED:** That the Committee **(1)** noted the information on the activity under the Whistleblowing Policy since April 2018; **(2)** noted and encouraged the plans for publicising the Whistleblowing Policy and associated ways in which staff can raise concerns; and **(3)** noted and encouraged the plans for Contact Advisors.

9. PROGRESS ON HIGH OPINION AUDIT REPORTS

- 9.1 The Committee received a report of the Senior Finance Manager of Internal Audit. The report provided an update on position on implementation of recommendations contained in audit reports issued with a high opinion or a limited/no assurance opinion and high organisational impact assessment.
- 9.2 The Senior Finance Manager, Internal Audit, Linda Hunter, mentioned that the Audit & Standards Committee received this report every 6 months for an update.
- 9.3 The Committee were informed that the 5 reports highlighted had now been implemented therefore the Committee were asked to agree the removal of these from the tracker.
- 9.4 The report highlighted 34 recommendations that Internal Audit was tracking, in which 23 of them were implemented and 11 still ongoing.
- 9.5 There was 1 critical recommendation ongoing which related to the Housing Management System. This recommendation was to upgrade the system which had now been carried out, although there was limited functionality improvements therefore a new system is needed to be built and tested. So Internal Audit are still tracking this recommendation. It was added that The Performance Delivery Board had a future agenda item (8/3/22) to undertake a deep dive exercise on this area and it would include staff resources, change management, investment and lessons learnt.
- 9.6 A Member of the Committee asked a question and the following response were provided: -
- 9.7 Sarah Green confirmed the delay in implementing the information security incidents recommendation, was Covid related.

- 9.8 **RESOLVED:** That the committee **(1)** noted the contents of the report; and **(2)** agreed to the removal of the following reports from the tracker:
- Enforcement Agent Review
 - Appointeeship Service
 - Council Processes for Management Investigations
 - Controls in Town Hall Machine room
 - Data Security and Protection (DSP) Toolkit

10. PSIAS - EXTERNAL QUALITY ASSESSMENT PEER REVIEW

- 10.1 The Committee received a report by Birmingham City Council which provided feedback on the recent independent review and external quality assessment peer review.
- 10.2 The Senior Finance Manager, Internal Audit, Linda Hunter informed that Committee that Sheffield City Council received the rating 'conformed', which was the highest possible rating.
- 10.3 Birmingham City Council interviewed key officers in the Council, reviewed responses from surveys and questionnaires and looked at the self-assessment checklist and evidence to support the assessment.
- 10.4 There were 115 questions contained within the self-assessment checklist, 89 were assessed as conforms, 14 as partial conforms and 12 as not applicable.
- 10.5 From the review, Birmingham City Council made 8 recommendations which the Council agreed. The date for the last recommendation to be implemented was September 2022.
- 10.6 A Member of the Committee had a question and the following response were provided: -
- 10.7 The Senior Finance Manager confirmed 2 of the 3 recommendations due to be implemented by December 2021, had been completed. The third recommendation had been partly actioned (Declaration of Endorsement produced), although it was awaiting sign off by the Chief Executive.
- 10.8 **RESOLVED:** That the Committee noted the contents of the report and the highest possible rating of 'conforms'.

11. WORK PROGRAMME

- 11.1 The Committee considered a report of the Director of Legal and Governance that outlined the work programme for the remainder of the municipal year. Members were asked to identify any further items for

inclusion.

11.2 The Chair suggested that a report on the performance of the Contact Centre be brought to a future meeting of the Committee.

11.3 The Chair suggested that the Annual Housing Ombudsman Report be brought to the next meeting of the Committee.

11.4 **RESOLVED:** - that **(1)** the work programme be noted; and **(2)** that the further mentioned reports be included to the work programme.

12. DATES OF FUTURE MEETINGS

12.1 It was noted that the next meeting of the Committee would be held on 24 February 2022.



Audit and Standards Committee Report

Report of: Director of Legal and Governance and Monitoring Officer

Date: 24 February 2022

Subject: Review of the Procedure for Dealing with Standards
Complaints and Members Code of Conduct

Author of Report: Sarah Hyde,
Democratic Services Team Manager

Summary:

The Code of Conduct and Procedure is reviewed on an annual basis by the Monitoring Officer in consultation with the Independent Persons. This report set out any revisions that are recommended for the Committee to consider.

Recommendations: That the Committee:

- (a) Comments on the proposed revisions to the Procedure for Dealing with Standards Complaints;
 - (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
 - (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.
-

Background Papers:

Report by the Committee on Standards in Public Life on Local Government Ethical Standards dated January 2019

Report to Audit and Standards Committee on 24th October 2019

Review of Members Code of Conduct Report dated 30th July 2020

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO
Legal Implications
YES Cleared by: Gillian Duckworth
Equality of Opportunity Implications
NO
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
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

REVIEW OF THE PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS AND MEMBERS CODE OF CONDUCT

1.0 INTRODUCTION

- 1.1 The latest version of the Procedure for Dealing with Standards Complaints was approved by Full Council in January 2021.

2.0 BACKGROUND

- 2.1 The Local Government Association (LGA) published a new model code of conduct for all councils to consider using in December 2020. The model code strengthened the best practice around bullying and harassment and social media.
- 2.2 In September 2019, an Ethical Standards Workshop was held to look at whether the Authority was meeting the best practice and what needed to be done on the areas that did not meet best practice.
- 2.3 15 areas of best practice were assessed against the current practice of the Council and put into a 'traffic light' system. The workshop added a definition of bullying and harassment and a section on the use of social media. The amount for gifts and hospitality was reduced to £10, which was in line with the officer's code. Following this, recommendations were made to the Members Code of Conduct and subsequently approved by full Council in January 2021.
- 2.4 In November 2021, a Complex Complaints Workshop was held at the request of the Committee. Invited to attend the workshop were members of the Audit and Standards Committee, the co-opted member of Audit and Standards Committee, the Independent Persons, and representatives of the Town/Parish Councils. The purpose of this workshop was to review the process of complex member complaints that are referred for investigation and recommend any potential changes to the procedure for dealing with member complaints.
- 2.5 Observations were made by members of the workshop concerning the complaints process as a whole. The procedure itself was seen to be satisfactory but would require a few tweaks to clarify certain points. Most of the observations raised were factors that were needed to support the process of an investigation.
- It was felt extra capacity was needed when a complaint was referred for investigation.
 - More support should be offered to the member and complainant during an investigation.
 - Independent Person advice should be made available to the Subject Member if requested, this needs to be reflected in the procedure.
 - External Counselling for Members needs to be signposted more clearly.
 - A summary of Standards Complaints brought to the Committee on a 6 monthly basis.

3.0 REVISIONS TO THE CODE OF CONDUCT AND PROCEDURE

3.1 Extensive revisions in line with the best practice recommendations were made to both the Members' Code of Conduct and the Procedure last year. Therefore, the only proposed revisions to be made are from observations made in the Complex Complaints Workshop that was held in November 2021.

3.2 An amendment is proposed to the procedure to clarify that Independent Person advice is available to the Subject Member if requested.

At paragraph 3 of the procedure, an insertion will be made at 3.3 to include

3.3 An elected Member who is the subject of a Standards Complaint is entitled to advice from an Independent Person, any request shall be made via the Monitoring Officer.

3.3 At paragraph 10 of the procedure an amendment is proposed to show the request to submit a report of Standards complaints every 6 months.

10.1 An annual report and half yearly interim report will be submitted to the Audit and Standards Committee with a summary of all Standards Complaints received and their outcome.

3.4 All the proposed amendments are shown as tracked changes in **Appendix A**, this also includes minor typographical changes to the document.

3.5 There are no proposed amendments to the Members' Code of Conduct. The Members' Code of Conduct is attached at **Appendix B**.

4.0 LEGAL IMPLICATIONS

4.1 As the Code of Conduct and Procedure are included in the Constitution, any changes would require approval at Full Council. The revised Procedure would also need to be approved by the Parish and Town Councils.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

6.0 EQUALITIES IMPLICATIONS

6.1 There are no equalities implications.

7.0 RECOMMENDATIONS

7.1 That the Committee:-

- (a) Comments on the proposed revisions to Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members;

- (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
- (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.

Gillian Duckworth, Monitoring Officer/Director of Legal and Governance

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SHEFFIELD CITY COUNCIL

PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING CITY, PARISH AND TOWN COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction

1.1 Under the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct for its elected and co-opted members and have arrangements in place to deal with complaints.

1.2 This Procedure sets out how the Council will deal with a complaint alleging a breach of the Members' Code of Conduct by:-

- Sheffield City Councillors
- Voting and non-voting co-opted members of the Council
- Bradfield Parish Councillors
- Ecclesfield Parish Councillors
- Stocksbridge Town Councillors

(In this Procedure the term 'Member' is used to describe a Councillor or Co-opted Member)

1.3 In dealing with complaints we will be fair to both the complainant and Member and progress matters in accordance with the timescales set out in the Procedure. Complaints will be handled in the strictest confidence at all times.

1.4 The Council has a duty to ensure no conflict of interest with officers when undertaking standards investigations. If a conflict of interest is identified, it will be determined in consultation with the Independent Person whether the matter should be dealt with by an alternative Monitoring Officer.

1.5 The Council has a clear and straightforward public interest test, which is used by the Monitoring Officer when considering complaints.

2. Monitoring Officer

2.1 Gillian Duckworth, Director of Legal and Governance, is the Council's Monitoring Officer. This is a statutory role, responsible for ensuring that the Council, its Members and officers carry out their functions in a lawful and ethical manner. The role includes supporting the Audit and Standards Committee and the two Independent Persons in dealing with complaints alleging a breach of the Members' Code of Conduct.

3. Independent Persons

3.1 The Council appoints Independent Persons from outside the Council to assist the Monitoring Officer and the Audit and Standards Committee in

considering complaints. This is statutory requirement under the Localism Act 2011. Sheffield has appointed two Independent Persons - David Waxman and Jo Cairns.

3.2 The Independent Person must be consulted at various stages in the complaints process:

- The Independent Person should be consulted on an allegation and should be given the option to review and comment on allegations which the Monitoring Officer is minded to dismiss as being malicious, without merit, vexatious or trivial.
- as to whether to undertake a formal investigation
- before the Hearing Sub-Committee.

3.3 **An elected Member who is the subject of a Standards Complaint is entitled to advice from an Independent Person, any request shall be made via the Monitoring Officer.**

4. Making a Complaint/Withdrawing a Complaint

4.1 Complaints alleging a breach of the Members' Code of Conduct should be made in writing using the complaint form and sent to Gillian Duckworth, Monitoring Officer, Sheffield City Council, Town Hall, Sheffield S1 2HH or email gillian.duckworth@sheffield.gov.uk. The complaint form is available from:-

- Website - <http://www.sheffield.gov.uk/home/your-city-council/council-meetings>
- Email - committee@sheffield.gov.uk
- Phone - Democratic Services on 0114 2734015

4.2 If you need advice or assistance in submitting a complaint **concerning an elected member** please contact Sarah Hyde in Democratic Services (email sarah.hyde@sheffield.gov.uk or phone 0114 2734015).

4.3 Details of the complaint, including the name of the complainant, will be shared with the Member. The complainant can request at section 2 of the complaint form for their identity to be kept confidential. Requests for confidentiality will be considered by the Monitoring Officer, in consultation with the Independent Person and the complainant will be informed in writing of the outcome. In the interest of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We are unlikely to withhold your identity unless there are exceptional circumstances; for example, that you can demonstrate that you will suffer significant harm or distress as a

result of disclosure. In exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

- 4.4 Anonymous complaints will not be considered.
- 4.5 The complainant can withdraw their complaint at any time by informing the Monitoring Officer in writing. The Monitoring Officer will confirm this in writing with the complainant within 5 working days and also inform the Member that the complaint has been withdrawn.
- 4.6 Where a complaint has been withdrawn, the Monitoring Officer reserves the right to pursue the issues in the complaint.
- 5.0 Acknowledging the Complaint/Rejecting a Complaint/Informing the Member**
- 5.1 The Monitoring Officer will acknowledge receipt of the complaint in writing within 5 working days, with details of how the complaint will be dealt with and providing a copy of this Procedure and the Code of Conduct.
- 5.2 If necessary, the Monitoring Officer will clarify any matters with the complainant as soon as possible before the Member is informed.
- 5.3 The Monitoring Officer also reserves the right to reject a complaint if it is considered to be trivial, vexatious, repetitious, not a standards matter or a general misuse of the opportunity. The complainant will be informed of the reasons why a complaint has been rejected.
- 5.4 The Member will be informed in writing within 5 working days that a complaint has been made about them, subject to paragraph 5.2. This will include the name of the complainant (unless the Monitoring Officer has agreed to the complainant's request that their name is kept confidential) and details of the complaint. They will also receive a copy of this Procedure and the Code of Conduct. To assist the Monitoring Officer in assessing the complaint, the Member will be invited to submit within 10 working days a written statement of fact in response to the complaint.
- 5.5 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Audit and Standards Committee that a complaint has been received and provide a summary of the complaint.
- 5.6 Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council of the name of the Member and details of the complaint. The Clerk will also be kept informed of the progress and the outcome of the complaint.

6. Assessment by the Monitoring Officer

- 6.1 Before assessment of the complaint, it may be necessary for the Monitoring Officer to request further information or clarification from the complainant and/or Member and, where necessary, obtain other available information, such as the minutes of a meeting.
- 6.2 The Monitoring Officer, in consultation with the Independent Person, will consider (a) the complaint, any remedy sought by the complainant, any written statement of fact submitted by the Member and any other information obtained, (b) whether the member was acting in their official capacity and that the Code of Conduct does apply (c) if the allegation constitutes a potential breach of the Code of Conduct and (d) would consideration of the complaint be in the public interest and then take one of the following courses of action:-
1. Take no action or
 2. Take other action through informal resolution or
 3. Refer the matter for investigation
 4. Refer the matter to the Consideration Sub-Committee
- 6.3 The complainant and the Member will be informed in writing within 10 working days of the outcome and the reasons for the decision.
- 6.4 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Audit and Standards Committee of the assessment decision. Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council.
- 6.5 Where a complaint is not referred for investigation, the Monitoring Officer will seek to deal with the matter within 8 weeks.
- 6.6 Take No Action
- 6.6.1 It is likely that no action will be taken where:-
- A significant amount of time has elapsed since the events which are the subject of the complaint.
 - The allegation relates to a cultural or recurring issue relating to standards within the Council.
 - The matter should be dealt with by some other method.
 - Complaints have been made about the Member relating to similar issues that have previously been dealt with through this Procedure.

- The complaint appears to be trivial, vexatious, repetitious or a general misuse of the opportunity.
- The conduct occurred during political debate or could be regarded as a political expression of views or opinion.

6.7 Take Other Action Through Informal Resolution

6.7.1 Informal resolution may be the simplest and most cost effective way of resolving the complaint and without determining if an actual breach of the Code has taken place. It may be appropriate where:

- The Monitoring Officer considers that this is the most effective way of resolving the matter to the complainant's satisfaction;
- The Member appears to have a poor understanding of the Code of Conduct and/or related Council procedures;
- The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct;
- The conduct complained of appears to the Monitoring Officer not to require a formal sanction;
- The complaint appears to reveal a lack of guidance, protocols and procedures within the District or Parish/Town Council;
- The complaint consists of allegations and retaliatory allegations between councillors;
- The complaint consists of allegations about how formal meetings are conducted; and
- The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

6.7.2 The Monitoring Officer, in consultation with the Independent Person, may take any of the following actions:-

- Take such steps as they think appropriate to prevent a future breach of the Code including training, guidance and 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.

- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

6.7.3 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to Consideration Sub-Committee.

6.8 Refer the Matter for Investigation

6.8.1 It is expected that the Monitoring Officer will refer only the most serious breaches for investigation or where the Member fundamentally disputes or does not accept the allegations in the complaint.

6.8.2 If a complaint has been referred for investigation, the Monitoring Officer, in consultation with the Independent Person, will appoint a person to undertake the investigation and this may be either a Council Officer or an outside agent, depending on the complexity and subject of the complaint.

6.8.3 The Investigating Officer will inform the complainant and Member of the process and proposed timescale of the investigation. The investigation may involve interviewing both parties and possibly other witnesses, together with reviewing any relevant documentation or paperwork.

6.8.4 The Investigating Officer will prepare a draft report on the outcome of the investigation and provide the complainant and Member with a copy for review and comment.

6.8.5 The Investigating Officer will submit a final version of the report to the Monitoring Officer that will make a finding that either (a) there has been a breach of the Code of Conduct or (b) there has not been a breach of the Code of Conduct. The final report will also be sent to the complainant and Member.

6.8.6 The Monitoring Officer will submit the Investigating Officer's report to the Consideration Sub-Committee.

6.8.7 **An investigation will be given a target completion date of no more than 12 weeks of a referral by the Monitoring Officer.** The Consideration Sub-Committee will meet within two months of the final report being submitted to the Monitoring Officer.

6.9 Refer the matter to the Consideration Sub-Committee

6.9.1 The Monitoring Officer can refer a complaint direct to the Sub-Committee if it is considered that there is a breach of the Code but there is no

dispute over the events in relation to the complaint and an investigation is not considered necessary.

- 6.9.2 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to Consideration Sub-Committee.

7 Consideration Sub-Committee

- 7.1 The Consideration Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.

- 7.2 The complainant and Member are not required to attend the meeting of the Sub-Committee.

- 7.3 The Monitoring Officer will submit a report on the outcome of an investigation or a matter referred to the Sub-Committee. The Investigating Officer will attend the meeting.

- 7.4 The Sub-Committee will consider the Monitoring Officer's report and, after taking the views of the Independent Person into account, can:-

(a) take no action; or

(b) take other action including any of the following actions:-

- Take such steps as the Sub-Committee considers appropriate to prevent a future breach of the Code including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Request the Monitoring Officer, in consultation with the Independent Person, to mediate between the parties involved to resolve the issues.
- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

(c) refer the matter to a Hearing Sub-Committee.

- 7.5 Where the Consideration Sub-Committee is considering a report on the referral of a complaint where a member of the public is not satisfied with the action to be taken through informal resolution, the only option

available to the Sub-Committee is to ratify the original informal resolution, or to take other action including any of the following actions:-

- Take such steps as the Consideration Sub-Committee considers appropriate to prevent a future breach of the Code including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Request the Monitoring Officer, in consultation with the Independent Person, to mediate between the parties involved to resolve the issues.
- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

7.6 The Monitoring Officer will inform the complainant and Member in writing within 10 working days of the outcome and the reasons for the Sub-Committee's decision.

8. Hearing Sub-Committee

8.1 The Hearing Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.

8.2 The Sub-Committee will meet within two months of a referral by the Consideration Sub-Committee to consider the allegation.

8.3 The Sub-Committee will meet in public unless it decides that all or part of the meeting should be held in private in accordance with the Access to Information Procedure Rules in the Council's Constitution.

8.4 In advance of the Hearing, there will be a pre-hearing process to allow matters at the Hearing to be dealt with more fairly and economically.

8.5 The complainant and member will be given the opportunity to attend the Hearing and present witnesses. The Monitoring Officer, any Investigating Officer and Independent Person will also attend. The procedure at the Hearing will include:-

- Making findings of fact
- Deciding if there has been a breach of the Code of Conduct
- Consider the remedies/sanctions available if there is a finding that the Member has breached of the Code of Conduct

8.6 Full details of the pre-hearing and hearing process are set out in the Procedure at Hearings. The Member and complainant will be provided with a copy of the Procedure.

8.7 A Finding of No Breach of the Code of Conduct

8.7.1 If the Sub-Committee finds that the Member did not breach the Code of Conduct no further action will be taken in respect of the complaint. However, the Sub-Committee can make a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general (e.g. proposed changes to internal procedures or training for Members).

8.8 A Finding of a Breach of the Code of Conduct

8.8.1 If the Sub-Committee finds that a breach of the Code of Conduct has occurred they may make any of the following recommendations and may specify to whom they wish them to be directed:-

- Recommending to the Member's Group Leader and/or Group Whip (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council or Shadow Portfolio responsibilities.
- Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- Instructing the Monitoring Officer to arrange training for the member.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website.
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

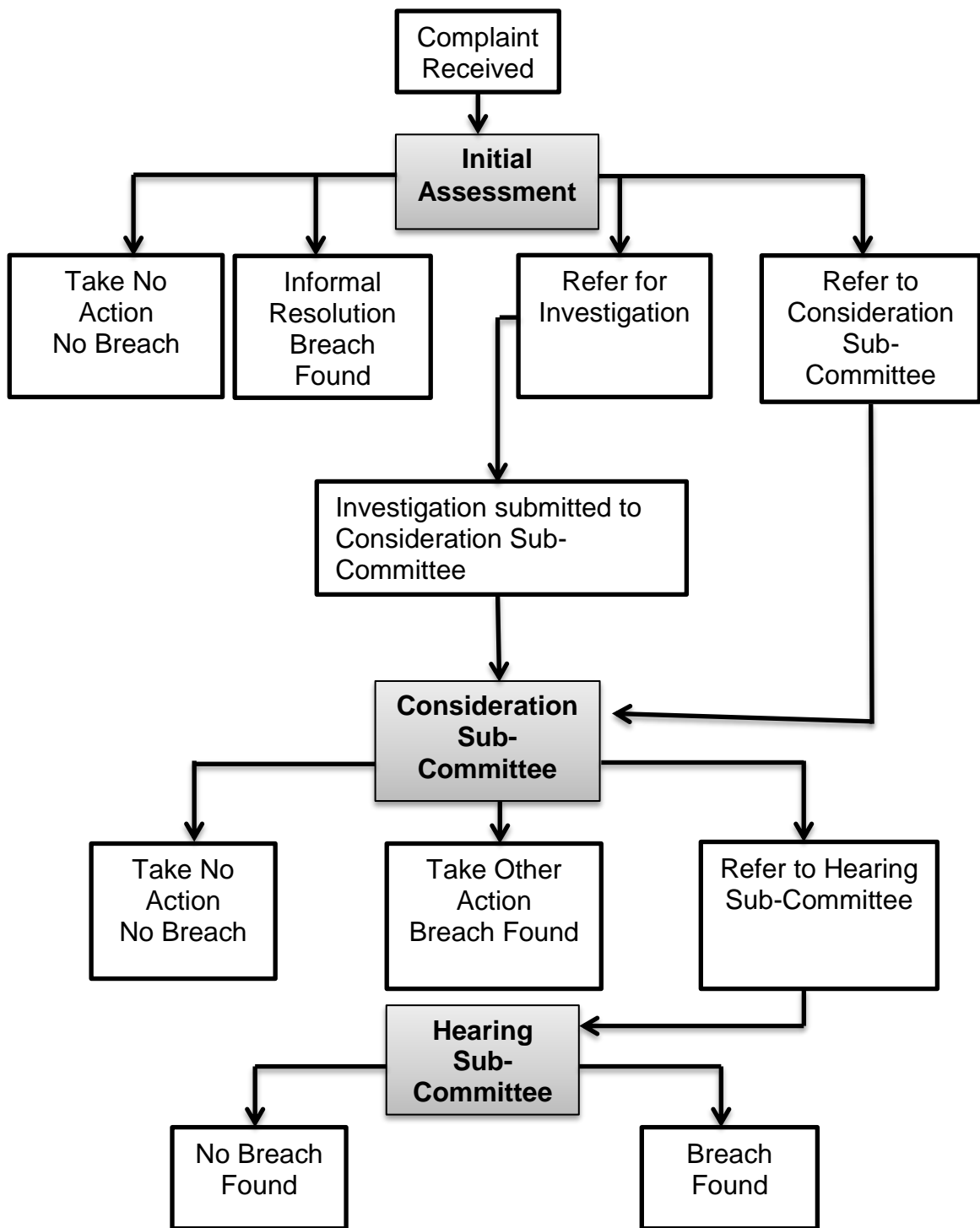
8.8.2 The Monitoring Officer will inform the complainant and the Member of the outcome from the Sub-Committee hearing in writing within 10 working days.

8.8.3 The findings and decision of the Sub-Committee will be also be available on the Council's website and copies will be supplied to the Chief Executive, Leaders of all the political Groups and the Group Whips.

8.8.4 Where the matter relates to a Parish or Town Councillor, the Clerk of that Council will be informed of the outcome of a Hearing.

9. Appeals

- 9.1 There is no right of appeal for the complainant or Member against a decision of the Monitoring Officer, Consideration Sub-Committee or Hearing Sub-Committee.
- 9.2 If the complainant feels that the Council has failed to deal with their complaint properly, they can make a complaint to the Local Government and Social Care Ombudsman (<http://www.lgo.org.uk/make-a-complaint/how-to-complain> or phone 0300 061 0614).
- 10. Reports**
- 10.1 An annual report **and half yearly interim report** will be submitted to the Audit and Standards Committee with a summary of all Standards Complaints received and their outcome.
- 11. Data Protection**
- 11.1 Complaints will be handled in the strictest confidence at all times. We will ensure that any information received as part of the handling of the complaint is disclosed only to those who can demonstrate a valid need to know it. However, when a complaint is considered at a Standards Committee Hearing then any information will be dealt with in accordance with the Access to Information Procedure Rules in the Council's Constitution.
- 11.2 Complaints records will be stored safely and securely. Records of the number of complaints received; the outcomes and the subject Members will be kept for so long afterwards as we consider it may be required to deal with any questions or complaints about the service which we provide. Personal information about the complainant and details of the complaint itself will be deleted after 7 years unless we elect to retain it for a longer period in order to comply with our legal and regulatory obligations.
- 12. Review and Changes to the Procedure**
- 12.1 The Monitoring Officer will review the Procedure annually, in consultation with the Independent Persons, and submit a report on any proposed changes to the Audit and Standards Committee for consideration. In accordance with the Constitution, any changes will require final approval at Full Council.



If a complaint is received it will go to an initial assessment.

After this there will be one of four outcomes:

1. Take No Action No Breach – complaint is resolved
2. Informal Resolution Breach Found – complaint is resolved
3. Refer for Investigation
4. Refer to Consideration Sub-Committee

If the complaint is referred directly to the Consideration Sub-Committee or is referred for investigation, there are 3 potential outcomes:

1. Take no action no breach found – complaint is resolved
2. Take other action breach found – complaint is resolved
3. Refer to hearing sub-committee

In the case that the complaint is referred to the hearing sub-committee there will be one of two outcomes:

1. No Breach found – complaint is resolved
2. Breach found

If a breach is found, the following options are available:

- Recommending to the Member's Group Leader and/or Group Whip (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council or Shadow Portfolio responsibilities.
- Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- Instructing the Monitoring Officer to arrange training for the member.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website. (**only after Hearing Sub-Committee**)
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

Sheffield City Council

COUNCILLOR CODE OF CONDUCT

Joint statement of Councillors

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to.

We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently.

We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust in local government.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority.

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee". For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor or co-opted member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors or co-opted members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and co-opted members and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors, co-opted members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor and co-opted member. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or co-opted member. This Code of Conduct applies to you when you are acting in your capacity as a councillor or co-opted member which may include when:

- you misuse your position as a councillor or co-opted member

- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or co-opted member;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor or co-opted member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor or co-opted member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect As a councillor or co-opted member:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor or co-opted member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor or co-opted member:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Members must promote equality and inclusion by providing an environment free from harassment, discrimination, and victimisation and bullying and by treating people with respect, regardless of their age, disability, gender, race, religion/ belief, sexual orientation or marriage/ civil partnership status.

The Equality Act 2010 places specific duties on local authorities. Councillors and co-opted members have a central role to play in ensuring that equality issues are integral

to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Members should be aware of the Council's Equality Objectives 2019-22 and act in accordance with the Council's Equality, Diversity and Inclusion Policy and Dignity and Respect at Work Policy.

3. Impartiality of officers of the council

As a councillor or co-opted member:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor or co-opted member:

4.1 I do not disclose information:

- a. given to me in confidence**
- b. by anyone acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- i. I have received the consent of a person authorised to give it;**
- ii. I am required by law to do so;**
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor or co-opted member:

5.1 I do not bring my role or local authority into disrepute.

As a councillor or co-opted member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor or co-opted member:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor or co-opted member:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**

- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor or co-opted member:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any *standards investigation* or sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

You must not make trivial, malicious or vexatious allegations against other Councillors/Officers.

9. Interests

As a councillor or co-opted member:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor or co-opted member:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10, or accumulatively in excess of £10 from the same source over the four-year term of office which you have been offered as a Member from any person or body other than the Authority within 28 days of receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The

presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

11. Bias

11.1 I must not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

11.2 When making a decision, I consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you are not prohibited from participating in a decision in your political role as member.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**.

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council

	<p>for a month or longer Corporate tenancies Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<p>Securities</p>	<p>Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) 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 the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

a) any body of which you are in general control or management and to which you are nominated or appointed by your authority

b) any body

- i. exercising functions of a public nature
- ii. any body directed to charitable purposes or
- iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover: •

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 • Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Appendix D - LIST OF POLICIES

- *Sheffield City Council Electronic Communications Policy*
- *Members' ICT Usage Policy*
- *Equality, Diversity and Inclusion Policy*
- *Sheffield City Council Equality Objectives 2019-22*

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Audit and Standards Committee Report

Report of: Gillian Duckworth, Director Legal & Governance

Date: 24th February 2022

Subject: Audit and Standards Committee Annual Report 2021

Author of Report: Sarah Hyde, Democratic Services Team Manager

Summary:

The report highlights the activities of the Committee and provides details of the outcome of the Standards complaints received from January to December 2021.

Recommendations:

That the Committee:-

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

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
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

Audit and Standards Annual Report 2021

1.0 INTRODUCTION

- 1.1 This is the fifth Annual Report of the merged Audit and Standards Committee and covers the period from January 2021 – December 2021. The Committee will receive this information on a yearly basis and although named the Audit and Standards Annual Report, the information contained within the reports will be primarily Standards related.

2.0 BACKGROUND

- 2.1 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.

3.0 MAIN BODY OF THE REPORT

Including Legal, Financial and all other relevant implications (if any)

- 3.1 The Standards responsibilities of the merged Audit and Standards Committee include monitoring the Council's complaints process, training, learning and development, and advising the Council on the adoption and revision of relevant policies and corporate issues.
- 3.2 As such, the attached report covers these areas in detail, summarising Standards activities from January 2021 - December 2021.

4.0 RECOMMENDATIONS

- 4.1 That the Committee comments on the attached report; and approves the report for submission to Full Council.

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AUDIT AND STANDARDS COMMITTEE

STANDARDS REPORT 2021

To be considered at the Audit & Standards Committee on the 24th
February 2022 and at a forthcoming Council Meeting

Foreword

I am pleased to present this report which provides a summary of Standards activities from January 2021 – December 2021.

I would like to thank our Independent Persons, David Waxman and Jo Cairns, for their work in assisting the Monitoring Officer. I would like to thank Sarah Hyde, Democratic Services Team Manager and Jay Bell, Committee Secretary. I would also like to thank Councillor Clement-Jones, Councillor Argenzio and Audit's Co-opted Member Alison Howard, for convening for the Consideration Sub-Committee.

I recommend that Council receives this report on Standards Committee activities in 2021.

Councillor Sioned-Mair Richards
Chair of the Audit and Standards Committee
February 2022

CONTENTS

	Page
Foreword by the Chair of the Committee	1
1. Introduction	3
3. Standards-Specific Role of the Audit and Standards Committee	3
4. Membership of the Committee	4
5. Monitoring Officer/Support to the Committee	4
6. Complaints	5
7. Independent Persons	5
8. Parish and Town Councils	6
9. Policy and Corporate Issues	6
10. Training and Development	6
11. Other Areas of Work	6
12. The Year Ahead	7
13. Recommendation	7

1. **Introduction**

1.1 This is the fifth Standards Annual Report of the merged Audit and Standards Committee and covers the period from January 2021 to December 2021.

1.2 Changes to the Standards regime were introduced in July 2012 by 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. This year the Council has since adopted the model code of conduct following recommendations of the Committee. The three Parish and Town Councils have also adopted the model code of conduct and a Joint Procedure for Dealing with Standards Complaints.

1.3 Two Independent Persons are appointed jointly, as required by the Localism Act 2011 with Barnsley MBC to assist the Monitoring Officer in dealing with complaints.

2. **Standards-Specific Role of the Audit and Standards Committee**

2.1 The Standards responsibilities of the Committee, as set out in the Constitution, are:

- To promote and maintain high standards of conduct by Councillors, Co-opted Members and Representatives on Committees and Sub-Committees.
- To assist Councillors, Co-opted Members and Representatives to observe the Members' Code of Conduct.
- To advise the Council on the adoption or revision of the Members' Code of Conduct and Protocols relating to Councillor and Officer behaviour.
- To monitor the operation of the Members' Code of Conduct.
- To advise, train or arrange to train Councillors, Co-opted Members and Representatives on matters relating to the Members' Code of Conduct.
- To monitor, review and make recommendations to the Council with regard to the Learning and Development policy for Councillors, Co-opted members and Representatives.
- To discharge the functions of dealing with complaints against Councillors and Co-opted Members as set out in Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members.
- To advise the Council on the adoption and revision of its Whistleblowing Policy and monitoring the operation of that Policy.

- To monitor and review procedures relating to gifts, hospitality and personal interests, for Councillors and officers.
- To monitor the Council's complaints process and the Council's response to complaints to the Ombudsman.

3. **Membership of the Committee**

- 3.1 The Audit and Standards Committee has 7 (non-executive) Members with proportionality applied and a maximum of 3 non-voting co-opted members. (Where standards related matters are to be considered by the Committee, the three Parish/Town Councils would be invited to jointly send one representative to attend the meeting for those items as an observer).
- 3.2 Meetings of the Consideration and Hearing Sub-Committees are arranged as and when required to deal with complaints referred on following assessment. The Sub-Committees are made up of 3 members of the Audit and Standards Committee, usually the Chair, Vice-Chair and another member of the Committee, a non-voting co-opted member is also required to sit on the Sub-Committee.

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 together with the 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 as 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 Executive.
- 4.2 Further support to the Committee was provided by Jay Bell, Committee Secretary and Sarah Hyde, Democratic Services Team Manager who assists the Monitoring Officer with complaints concerning Councillors and provides support to Consideration/Hearing Sub-Committees.
- 4.3 The Council is required by the Local Government and Housing Act 1989 Act to provide the Monitoring Officer with "such staff, accommodation and other

resources as are, in their opinion, sufficient to allow those duties to be performed”. The Monitoring Officer has confirmed that she has the necessary resources to meet the requirements of her role.

5. Complaints

5.1 The number of complaints made and a breakdown by the findings is set out below: -

Complaint Outcome	2021 (Jan-Dec)
Take No Action (no breach)	3
Withdrawn or Invalid	4
Informal Resolution	4
Refer to Consideration Sub-Committee with an Investigation	2
Refer to Consideration Sub-Committee without an Investigation	0
Open	0
Total	13

5.2 In the period 2021, the Consideration Sub-Committee met twice, subsequently no cases have been referred on to a Hearing Sub-Committee. It is proposed that an interim standards complaint report will be submitted at half yearly intervals.

6. Independent Persons

6.1 The Council must appoint at least one Independent Person. Their role is advisory, and they do not have a vote on any Council committee. An Independent Person can be consulted by the Monitoring Officer, the Member who is subject to a complaint and the Audit and Standards Committee.

6.2 The two Independent Persons, David Waxman and Jo Cairns, provide invaluable assistance to the Monitoring Officer in dealing with Standards complaints.

6.3 An Independent Person is involved in each complaint and consulted at various stages of the process.

6.4 The four-year term of the two current Independent Persons comes to an end in September 2022, therefore a joint recruitment process with Barnsley Metropolitan Borough Council will take place this year.

7. Parish and Town Councils

- 7.1 The Monitoring Officer provides advice and support to the three Parish and Town Councils, and these are reflected in the numbers of reported Standards complaints dealt with in 2021.
- 7.2 A recent development session has been offered and delivered to the Town/Parish Councils on the Model Code of Conduct.

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 Further training was provided, which was open to all Members, on the role of Councillors, good governance and Standards.
- 8.3 The Local Government Association (LGA) had offered a free training package to the Council as part of the Council's move to a Committee System in May 2022. Three sessions were arranged by the LGA for the individual political groups to attend and discuss in confidence what their training requirements were. As part of these sessions code of conduct training was covered.
- 8.4 A dedicated officer from Democratic Services has led on formulating the Member's training programme and is working closely with colleagues from the LGA.
- 8.5 In 2021, a Complex Member Complaints Workshop was held with members of the Committee. In attendance were Gillian Duckworth, David Hollis and Sarah Hyde to discuss timescales around complex complaints and investigations following concerns from the Committee. David Waxman and Jo Cairns, Independent Persons, Alison Howard, Co-opted Member of the Committee and a representative from the Parish/Town Councils were also invited to the session. This session allowed a discussion around how the Members complaints process currently operates and whether there was scope for improvements.
- 8.6 In addition, specific training took place for Members of the Planning and Highways and Licensing Committees which covered the related legal framework and decision making and requirements relating to Member's interests and bias.
- 8.7 Important training sessions on Equality, Diversity and Inclusion have taken place in November 2021 and a session on Personal Safety by the LGA took place in December 2021.
- 8.8 Information and details of upcoming Member Development can be found in the Members' area of SharePoint.

9. **Policy and Corporate issues**

9.1 The Committee has provided oversight and responded to the following policies, protocol, reports and consultations:

- Whistleblowing Policy Review Report
- Reviews of the Members Code of Conduct and Procedures for dealing with complaints against an elected member, Town/Parish Councillor or Co-opted Member.
- Information Governance Annual Report
- Annual Ombudsman Report

10. **Other Areas of Work**

10.1 The Monitoring Officer ensures that all new Councillors submit their Register of Interests form relating to Disclosable Pecuniary Interests and Other Interests and that existing Councillors review and update their interests.

10.2 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 a dialogue around governance with the Leaders and/or Whips of the political groups represented on the Council.

11. **The Year Ahead**

11.1 The work programme continues to ensure the Audit and Standards Committee receives updates on Standards related issues including an Annual Report throughout the year and will also include consideration of Ombudsman and Whistleblowing reviews of procedures.

12. **Recommendation**

12.1 That Audit and Standards Committee receives and notes this report acknowledging the work of the Audit and Standards Committee in January – December 2021 and forwards to full Council.



Audit and Standards Committee Report

Report of: Director of Legal and Governance

Date: 24 February 2022

Subject: Work Programme

Author of Report: Sarah Hyde, Democratic Services
(Tel - 0114 273 5033)

Summary:

The report provides details of an outline 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: 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
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.

2. Work Programme

2.1 It is intended that there will be at least five meetings of the Committee during the year with three additional meetings arranged if required. The work programme includes some items which are dealt with at certain times of the year to meet statutory deadlines, such as the Annual Governance Report and Statement of Accounts, and other items requested by the Committee. In addition, it also includes standards related matters, including an annual review of the Members Code of Conduct and Complaints Procedure and an Annual Report on the complaints received.

2.2 An outline programme is attached and Members are asked to identify any further items for inclusion.

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.

**Gillian Duckworth
Director of Legal and Governance**

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Audit and Standards Work Programme 2021-22- Working Copy

Date	Item	Author
24 February 2022	Review of the Procedure for Dealing with Standards Complaints and Members Code of Conduct	Gillian Duckworth (Director of Legal and Governance)
	Annual Standards Report	Gillian Duckworth (Director of Legal and Governance)
	Work Programme	Gillian Duckworth (Director of Legal and Governance)
24 March 2022	Education Healthcare Plan Update	Andrew Jones (Director of Education and Skills)
	Performance of Contact Centre	Mark Bennett (Director of HR and Customer Services)
	Annual Housing Ombudsman Report	Jenny Callaghan (Customer Services)
	Compliance with International Auditing Standards	Dave Phillips (Head of Strategic Finance)
	Formal Response to Audit (ISA 260) Recommendations	Dave Phillips (Head of Strategic Finance)
	External Audit Plan 2021/22	External Auditor (EY)
	Annual Audit Fee Letter 2021/22	External Auditor (EY)
	Annual Audit Letter 2020/21	Ernst and Young (External Auditor)
	Work Programme	Gillian Duckworth (Director of Legal and Governance)
June 2022	Audit Training	External Facilitator (Gary Bandy)
16 June 2022	Internal Audit Annual Fraud Report	Linda Hunter (Senior Finance Manager)

Audit and Standards Work Programme 2021-22- Working Copy

	Internal Audit Plan 2022/23	Linda Hunter (Senior Finance Manager)
	Progress in High Opinion Reports	Linda Hunter (Senior Finance Manager)
	Strategic Risk Reporting	Helen Molteno (Corporate Risk Manager)
	Work Programme	Gillian Duckworth (Director of Legal and Governance)
21 July 2022	Summary of Statement of Accounts	Dave Phillips (Head of Strategic Finance)
	Work Programme	Gillian Duckworth (Director of Legal and Governance)

IMPORTANT INFORMATION FOR REPORT WRITERS

The Audit and Standards Committee provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of Sheffield City Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

The Committee also cover Standards and is primarily responsible for promoting and maintaining high standards of conduct by councillors, independent members, and co-opted members. It is responsible for advising and arranging relevant training for members relating to the requirements of the code of conduct for councillors. The Committee also monitor the Council's complaints process and the Council's response to complaints to the Ombudsman.

The Committee is not an operational committee, so is not focussed on the day to day running of your service. However, its focus is on risk management and governance, so it will want to understand how you manage your key risks, and how you are responding to new challenges and developments. In particular the Committee will be interested in the progress on implementing agreed recommendations from inspection and audit reports, and will want to review your services' outputs and actions in response. You can expect some challenge if deadlines for implementing agreed actions have been missed. Please ensure

Audit and Standards Work Programme 2021-22- Working Copy
breakdowns of information are included in your report, as the Committee is interested in the key facts and figures behind areas.

Most Audit and Standards papers are public documents, so use everyday language, and use plain English, don't use acronyms, or jargon and explain any technical terms. Assume the reader knows little about your subject.

Think about how the paper will be interpreted by those who read it including the media.

Use standard format - don't subvert it.

Ensure – You convey the key message in the first paragraph not the last.

The report should include –

- **Summary**
- **Recommendation (s)**
- **Introduction**
- **Background**
- **Main body of the report (in. legal, financial and all other relevant implications)**

(report templates are available from Democratic Services)

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