

STANDARDS COMMITTEE

ANNUAL REPORT 2014/15

To be considered at the Council Meeting on 9 September 2015



FOREWORD

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

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

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

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

Councillor Bryan Lodge
Chair of the Standards Committee
June 2015

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1. Introduction

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

2. Role of the Standards Committee

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

3. **Members of the Committee**

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

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

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

Co-opted Members:-

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

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

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

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

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

5. Complaints

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

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

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

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

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

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

6. **Independent Persons**

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

7. **Parish and Town Councils**

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

8. **Training and Development**

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

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

9. **Other Areas of Work**

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

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

10. **Lessons Learned**

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

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

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

11. **The Year Ahead**

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

12. **Recommendation**

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