

AUDIT AND STANDARDS COMMITTEE

STANDARDS REPORT 2015 - 2017

To be considered at the Council Meeting on 7 February 2018



FOREWORD

I am pleased to present this report which is the first since the Audit and Standards Committees merged in August 2016.

This report provides a summary of Standards activities from June 2015 through to December 2017.

I would like to thank our three Independent Persons, Stuart Carvell, Marvyn Moore and David Waxman, for their work in assisting the Monitoring Officer. I would also like to thank Dave Ross, our Principal Committee Secretary until earlier this year.

I recommend that Council receives this report on Standards Committee activities in 2015 – 2017.

Councillor Josie Paszek
Chair of the Audit and Standards Committee
December 2017

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1. **Introduction**

- 1.1 This is the first Standards Annual Report of the merged Audit and Standards Committee and covers the period from June 2015 to December 2017.
- 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 until August 2016**

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

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

3.1 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.

4. **Membership of the Committee**

4.1 The Standards Committee had 12 members comprising eight City Councillors and 4 non-voting-opted members (including 1 representative of the three Parish and Town Councils drawn from a pool of three representatives).

4.2 Following the merge of the Audit and Standards Committees in August 2016, the combined 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).

4.3 As of December 2017, the membership was:

- Councillor Josie Paszek (Chair)
- Councillor Adam Hanrahan (Deputy Chair)
- Councillor Dianne Hurst
- Councillor Alan Law
- Councillor Pat Midgley
- Councillor Peter Price
- Councillor Paul Scriven
- Liz Stanley (Independent Non-Voting Co-opted Member)
- 2 x vacancy for Independent Non-Voting Co-opted Member

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

5.1 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.

5.2 Further support to the Committee was provided by Jason Dietsch (Head of Member Services) and, until October 2017, Dave Ross (Principal Committee Secretary). Further support is now provided by Simon Hughes (Principal Committee Secretary) and Philippa Braithwaite (Democratic Services Team Manager).

5.3 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.

6. Complaints

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

Complainant	2015 (Jun-Dec)	2016 (Jan-Dec)	2017 (Jan-Dec)
Take No Action (no breach)	2	17	20
Withdrawn or Invalid	4	1	1
Informal Resolution	2	1	1
Refer to Consideration Sub-Committee with an Investigation	0	1	2
Refer to Consideration Sub-Committee without an Investigation	0	1	0
Total	8	21	24

- 6.2 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 Audit & Standards Committee at its meeting on 16 November 2017 and adopted by Full Council on 6 December 2017.
- 6.3 The revised Procedure incorporates both the City and Joint Parish and Town Councils' Procedure and provides greater flexibility to respond to each complaint at an appropriate level and to ensure complaints are concluded sooner for the benefit of both parties. The Monitoring Officer will review the Procedure in a year's time.

7. Independent Persons

- 7.1 The Council must appoint at least one Independent Person. Their role is advisory and they do not have a vote on any Council committee. The Independent Person can be consulted by the Monitoring Officer, and also by the Member who is subject to a complaint and the Audit and Standards Committee.
- 7.2 The three Independent Persons, Stuart Carvell, Marvyn Moore and David Waxman, provide invaluable assistance to the Monitoring Officer in dealing with Standards complaints.
- 7.3 An Independent Person is involved in each complaint and consulted at each stage of the process.

8. **Parish and Town Councils**

8.1 The Monitoring Officer provides advice and support to the three Parish and Town Councils and this included the Standards complaints dealt with in 2015, 2016, and 2017 relating to both of the Parish Councils.

8.2 The Monitoring Officer and Head of Member Services led training and development sessions with Ecclesfield and Bradfield Parish Councils in June and October 2016 respectively.

9. **Training and Development**

9.1 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. The induction also included a practical exercise, using case studies to help Members' understanding of the Members' Code of Conduct and Members' interests. A training session for the Standards Committee was also carried out by the Monitoring Officer in September 2017 regarding Standards related issues.

9.2 Specific training took place for Members of the Planning and Highways and Licensing Committees and which covered the related legal framework and decision making and particular requirements relating to Member's interests and bias.

10 **Policy and Corporate issues**

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

- 10.1
- The Whistleblowing Policy in November 2016
 - Review of the Members' Code of Conduct in January 2017
 - Annual Governance Statement in July 2017
 - Review of the Monitoring Officer Protocol in November 2017
 - Consultation on Disqualification Criteria for Councillors in November 2017
 - Annual Ombudsman and Complaints Report 2016/17 in November 2017

11. **Other Areas of Work**

11.1 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.

11.2 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.

12. **The Year Ahead**

12.1 The work programme continues to ensure the Audit and Standards Committee receives updates on the Members' Code of Conduct and Complaints Procedure and an Annual Report on the complaints received. Meetings of the Consideration and Hearing Sub-Committees are arranged as and when required to deal with complaints. The Consideration Sub-Committee has met once during the period covered in this report.

13. **Recommendation**

13.1 That Council receives and notes this report on the work of the Standards Committee and Audit and Standards Committee in 2015 - 2017.

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