

# AUDIT AND STANDARDS COMMITTEE

## STANDARDS REPORT 2018 - 2019

To be considered at the Audit & Standards Committee on the 13 June  
2019 and the Council Meeting on 3 July 2019





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## 1. **Introduction**

- 1.1 This is the second Standards Annual Report of the merged Audit and Standards Committee and covers the period from January 2018 to May 2019.
- 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. The three Parish and Town Councils adopted a Joint Members Code of Conduct and a Joint Procedure for Dealing with Standards Complaints.
- 1.3 Two Independent Persons were appointed jointly 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).

### 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 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 Cabinet whether public or private.

4.2 Further support to the Committee was provided by Simon Hughes, Paul Robinson and Abby Brownsword, Principal Committee Secretaries.

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 per year and a breakdown by the findings is set out below:-

<b>Complainant</b>	<b>2018 (Jan-Dec)</b>	<b>2019 (Jan-May)</b>
Take No Action (no breach)	6	4
Withdrawn or Invalid	1	0
Informal Resolution	4	1
Refer to Consideration Sub-Committee with an Investigation	0	0
Refer to Consideration Sub-Committee without an Investigation	0	0
<b>Total</b>	<b>11</b>	<b>5</b>

## 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 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 these are reflected in the numbers of reported Standards complaints dealt with in 2018 and 2019.

## 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. The induction also included a practical exercise, using case studies to help Members' understanding of the Members' Code of Conduct and Members' interests.

8.2 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 particular requirements relating to Member's interests and bias.

## 9. **Policy and Corporate issues**

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

- 9.1
- Whistleblowing Policy 12 April 2018
  - Annual Governance Statement 26 July 2018
  - Annual Review of the Complaints Procedure 20 September 2018

## 10. **Other Areas of Work**

10.1 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.

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 2019 will see the roll out of code of conduct refresh training for all Members. This will include training on the ethical framework, decision making, member/officer protocols and the use of social media. The Monitoring Officer will be requesting the assistance of the Whips to ensure attendance by Members.

The Committee on Standards in Public Life produced a report reviewing Local Government Ethical Standards in January 2019. The report is attached for reference at Appendix 1 to this report and includes a list of 26 recommendations for the Government to action. The committee also included a list of best practice recommendations that they are suggesting can be implemented by Local Government without the need for primary legislation.

The Monitoring Officer has considered the list, noting some best practice is currently part of our existing processes and protocols and has recommended the following actions:

- Review the code of conduct to enhance the current provisions e.g. with regards to Bullying & Harassment
- Consider how updates to the Code might be enhanced by some form of public and stakeholder engagement
- Review accessibility of the complaints process and the gifts & hospitality register to aid transparency

- Introduce a clear and straightforward public interest test to filter complaints
- Review the Council's appointments to outside bodies and consider inclusion in future Annual governance statements

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.

Meetings of the Consideration and Hearing Sub-Committees are arranged as and when required to deal with complaints. The Consideration Sub-Committee has not met during the period covered in this report.

## 12. **Recommendation**

- 12.1 (a) That Council receives and notes this report acknowledging the work of the Audit and Standards Committee in 2018 – 2019; and
- (b) agrees the actions set out in paragraph 11 for the Monitoring Officer to report back progress to a future committee.