

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

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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.

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