

Audit and Standards Committee

Meeting held 24 February 2022

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

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence were received from Councillor Josie Paszek.

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 The minutes of the meetings held on 25 January 2022 were agreed as an accurate record.

4.2 The Acting Chief Executive, Eugene Walker, informed the Committee the External Auditors, Ernst & Young, since producing the statement of accounts letter, had revised the letter. Therefore, Eugene, along with the Chair, Councillor Sioned Mair-Richards would need to sign the letter again, once received.

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

5.1 The Committee received a report of the Director of Legal and Governance.

5.2 The Director of Legal and Governance informed the Committee that the report mentioned was reviewed annually by the Audit and Standards Committee.

5.3 The report highlighted the current procedure when dealing with complaints against elected members. The report also outlined the current code of conduct which members adhered to.

5.4 The procedure for dealing with complaints and the code of conduct was last reviewed and agreed by Full Council in January 2021.

- 5.5 The Audit and Standards Committee carried out an Ethical Standards Workshop in September 2019 where they looked at the code of conduct, in which no changes were proposed. The Committee then carried out a Complex Case Workshop in November 2020 where they looked into the procedure for dealing with complaints, in which amendments were proposed, therefore the report included those amendments.
- 5.6 Members of the Committee raised questions and the key points to note were: -
- 5.7 The Director of Legal and Governance explained why there was different use of wording around whether something was a fixed timeframe, or whether a timeframe was aimed to be met. It was mentioned that some parts of the process were simple administration tasks, which meant a fixed timeframe had been agreed. Alternatively, where there were more complex stages of the process, it was reported that a timeframe would seek to be met. The Director of Legal and Governance added that the time it took for a third party to investigate a complaint could vary on each case, therefore it would be difficult to establish a timeframe.
- 5.8 A Member of the Committee thought there needed to be more clarity in the process for when timeframes were not met. It was mentioned that if a timeframe was not met, the complainant should receive in writing the reasoning for this, along with how long the timeframe was to be extended by.
- 5.9 A Member of the Committee thought it needed to be clearer that an elected member, who was subject to a standards complaint, were entitled to advice and support from the independent person. The independent person, David Waxman, believed the wording should state the independent person was in place to give further clarity on the process rather than support.
- 5.10 Another Member of the Committee suggested the wording stated that the independent person was available for advice on the process and additionally, that an elected member could receive support from other professionals, if they wished.
- 5.11 The Director of Legal and Governance added that members were entitled to the Council's counselling service. Therefore, there was support in place for an elected member, subject to a standards complaint, if necessary.
- 5.12 The Director of Legal and Governance agreed to redraft the process, subject to the points raised at 5.8 to 5.10 then circulate the proposed amendments to the Committee, for their consideration.

- 5.13 A Member of the Committee asked what consequence would occur if an elected member refused to fill in their declaration of interest form. The Director of Legal and Governance informed the Committee this was a criminal offence therefore it would be reported to the Police for further investigation.
- 5.14 Following a discussion around social media, regarding elected members posting comments that others may find offensive. The Committee agreed to carry out a Workshop, once the Government had published the legislation on this, to look into how the code of conduct could be amended to mitigate this.
- 5.15 **RESOLVED:** That the Committee
- (a) Commented on the proposed revisions to the Procedure for Dealing with Standards Complaints;
 - (b) With the inclusion of any additional revisions arising from the meeting, the Monitoring Officer would circulate the revised procedure for dealing with standards complaints to the Committee for consideration as noted in 5.12.
 - (c) further recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
 - (d) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.

6. ANNUAL STANDARDS REPORT

- 6.1 The Committee received a report of the Director of Legal and Governance.
- 6.2 The report highlighted details of the outcomes of the Standards complaints received from January to December 2021. This was reported to the Committee on an annual basis.
- 6.3 The report also mentioned that the 4-year term of independent persons was due to expire in September 2022. Therefore, an advert on becoming an independent person for the Audit & Standards Committee would soon be advertised.
- 6.4 It was mentioned that Parish and Town Councils operated under the same code as Sheffield City Council.
- 6.5 The report outlined what training and development had been carried out by members and what was still to be offered. This was subject to the free training package provided by the Local Government Association (LGA) following the Councils transition to a Committee

System. It was added that additional resource had been put into Democratic Services to support with training and development for members.

6.6 The Committee were informed that training and development would be monitored within the Governance Committees remit, post May 2022 although the Audit and Standards Committee will continue to monitor training and development around the code of conduct.

6.7 The Director of Legal and Governance hoped to receive support from each political group, if a member did not carry out mandatory training courses.

6.8 A Member of the Committee raised whether the report should specify whether a complaint was made against a Parish Council or Sheffield City Council, and whether it should be broken down into percentages of which political parties the complaints were made against. The Director of Legal and Governance explained that it was reported that way to protect individual councillors under the Data Protection Act. The Committee agreed to carry out a Workshop that looked into this further.

6.9 RESOLVED: That the Committee:-

(a) Comments on the Annual Report; and

(b) Approves the report for submission to Full Council.

7. WORK PROGRAMME

7.1 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.

7.2 The Committee agreed to begin the next meeting of the Committee at 4.00 p.m. due to the number of items expected to be presented to the Committee.

7.3 **RESOLVED:** - that **(1)** the work programme be noted; **(2)** that the time of the next meeting be amended; and **(3)** the Workshop be carried out by the Committee as mentioned above at 5.14 and 6.8.

8. DATES OF FUTURE MEETINGS

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