

AUDIT AND STANDARDS COMMITTEE

STANDARDS REPORT 2022

To be considered at the Audit & Standards Committee on 16th February
2023 and at a forthcoming Council Meeting.

Foreword

I am pleased to present this report which provides a summary of Standards activities from January 2022 – December 2022.

I would like to thank our Independent Persons, David Waxman and Karen Widdowson for their work in assisting the Monitoring Officer. I would also like to thank Democratic Services, for providing support to the committee.

I recommend that Council receives this report on Standards Committee activities in 2022.

Councillor Colin Ross
Chair of the Audit and Standards Committee
February 2023

CONTENTS

	Page
Foreword by the Chair of the Committee	1
1. Introduction	4
2. Standards-Specific Role of the Audit and Standards Committee	4
3. Membership of the Committee	5
4. Monitoring Officer/Support to the Committee	5
5. Complaints	6
6. Independent Persons	7
7. Parish and Town Councils	8
8. Training and Development	8
9. Policy and Corporate Issues	9
10. Other Areas of Work	9
11. The Year Ahead	10
12. Recommendation	10

1. **Introduction**

1.1 This is the sixth Standards Annual Report of the merged Audit and Standards Committee and covers the period from January 2022 to December 2022.

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.

As of today a response to the recommendation put forward are still awaited from Government in the 2019 report on Local Government Ethical Standards, A Review by the Committee on Standards In Public Life.

1.3 Two Independent Persons as required by the Localism Act 2011 are 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 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 David Hollis is the Council's Monitoring Officer and Interim Director of Legal and Governance. Robert Parkin and Sarah Bennett are the Deputy Monitoring Officers and Assistant Directors 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;

- 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 he has the necessary resources to meet the requirements of his role.

5. **Complaints**

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

Complaint Outcome	2022 (Jan-Dec)
Take No Action (no breach)	4
Withdrawn or Invalid	1
Rejected	7
Informal Resolution	2
Refer to Consideration Sub-Committee with an Investigation	0
Refer to Consideration Sub-Committee without an Investigation	0
Open	0
Total	14

5.2 In the period 2022, the Consideration Sub-Committee did not meet, subsequently no cases have been referred on to a Hearing Sub-Committee. An interim standards complaint report will be submitted at half yearly intervals.

5.3 **Key**

Take No Action or Rejection

It is likely that no action will be taken where: -

- A significant amount of time has elapsed since the events which are the subject of the complaint.
- The allegation relates to a cultural or recurring issue relating to standards within the Council.
- The matter should be dealt with by some other method.
- Complaints have been made about the Member relating to similar issues that have previously been dealt with through this Procedure.
- The complaint appears to be trivial, vexatious, repetitious or a general misuse of the opportunity.

- The conduct occurred during political debate or could be regarded as a political expression of views or opinion.

Withdrawn or invalid

The complainant can withdraw a complaint if they so wish, however the Monitoring Officer reserves the right to pursue the issues in the complaint.

Informal Resolution

Informal resolution may be the simplest and most cost-effective way of resolving the complaint and without determining if an actual breach of the Code has taken place.

Refer to Consideration Sub-Committee with an investigation

It is expected that the Monitoring Officer will refer only the most serious breaches for investigation or where the Member fundamentally disputes or does not accept the allegations in the complaint.

Refer to Consideration Sub-Committee without an investigation

The Monitoring Officer can refer a complaint direct to the Sub-Committee if it is considered that there is a breach of the Code but there is no dispute over the events in relation to the complaint and an investigation is not considered necessary.

Open

Complaints logged, but still going through the initial assessment process

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 Karen Widdowson, 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 A joint recruitment process took place with Barnsley MBC mid-2022 to reappoint to the positions of Independent Person as the terms of the then Independent Persons had come to an end. Following interview David Waxman and Karen Widdowson were appointed to the roles for a four-year term.

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 2022.

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 covered sessions on Empowering Communities through LACS, handling complaints and enquiries, revenues and benefits, how the council and decision making works, equality and diversity, public health and emergency planning, AMEY and streetsahead, waste collection and the housing service.

8.2 Further training was provided, which was open to all Members, on the role of Councillors, good governance and Standards.

8.3 A dedicated officer from Democratic Services leads on formulating the Member's training programme.

8.4 Over the last year training has been offered as part of the Induction process, committee system specific or as additional training.

8.5 Induction

Licensing – Introduction to equalities act – disability and equality awareness;
Licensing – Introduction to sex establishment and sexual entertainment venues;
Public Health;
An introduction to the Full Council Meeting and Voting;
Introduction to Planning.

Committee Specific

Education, Children and Families – Whole Committee and Chair/VC;
Good Governance in a Committee System;
Strategy and Resources Chair/VC;
Housing – Whole Committee and Chair/VC;
Transport, Regen and Climate – Whole Committee and Chair/VC;
Adult Health and Social Care– Whole Committee and Chair/VC;
Economic Development and Skills– Whole Committee and Chair/VC;
Communities, Parks and Leisure– Whole Committee and Chair/VC;
Waste and Streetscene– Whole Committee and Chair/VC;
Finance Sub-Committee– Whole Committee and Chair/VC;
Chairing in a Committee System;
Successful Officer/Member Relations;
EDI – Public Sector and Equality Impact Assessment;
An Effective Council – Learning from Recent reports;

Planning - Knowledge briefing, SHU Masterplan;

Introduction to the Licensing Act 2003 and Safeguarding – Protection of Children and the vulnerable;
Introduction to Taxi Licensing;
Introduction to Street Trading;
Driver Policy Briefing;
Hackney Carriage Vehicle Licence Policy – Knowledge Briefing.

Audit – Account sign off.

Additional Training

Technology Enabled Care;
Freedom of Information (FOI) Training;
Adult Social Care Strategy Briefing;
Climate Emergency;
Carbon Literacy Project;
Migration;
Social Media;
Equality Diversity and Inclusion (EDI)-Public sector duties and Equality Impact Assessment;
Information Management.

8.6 All training was provided either in house by council officers, the Local Government Association (LGA) or through a private facilitator. Various members have also attended training with the Local Government Information Unit (LGIU).

8.7 The Member Development Working Group will meet in February to discuss the Member Development budget for the coming year, and this will be subsequently agreed at Governance Committee.

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 2022 and forwards to full Council.