



Standards Committee Report

Report of: The Monitoring Officer

Date: 24 July 2013

Subject: Review of Standards Procedures

Author of Report: Lynne Bird

Summary:

The report updates the Standards Committee on the steps taken by the Council in relation to complying with the statutory obligations, reports on the Standards Complaints received and invites the Committee to review :-

- the Members' Code of Conduct
- the procedure for dealing with complaints
- the role of the Independent Person and the draft Protocol

Recommendations:

- 1 The Committee reviews the Members' Code of Conduct and the Procedure for Dealing with Standards Complaints.
- 2 The Committee reviews the complaints made.
- 3 The Committee discuss with the Independent Persons their role as set out in the draft Protocol.
- 4 The Committee to decide if any action is required in relation to the recommendations arising from the investigation in Appendix 4.

Background Papers:

Category of Report: Open

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Relevant Cabinet Portfolio Leader
Not applicable
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

REPORT OF THE DIRECTOR OF LEGAL AND GOVERNANCE

STANDARDS COMMITTEE 24 JULY 2013

REVIEW OF STANDARDS PROCEDURES

Introduction

The Localism Act abolished the pre-existing Standards Regime in July 2012. The Council now has a duty to promote high standards of members conduct, adopt a Code of Conduct and introduce a process for investigating complaints. The Act created a new system of Disclosable Pecuniary Interests for Members and removed compulsory sanctions for breach of the code. The Act also created an obligation to appoint one or more Independent Persons.

Purpose of Report

The report updates the Standards Committee on the steps taken by the Council in relation to complying with the statutory obligations, reports on the Standards Complaints received and invites the Committee to review :-

- the Members' Code of Conduct (Appendix 1 to the report)
- the procedure for dealing with complaints (appendix 2 to the report),
- the role of the Independent Person (Draft Protocol attached at Appendix 3 to the report)

Steps Taken

The Council has adopted a Code of Conduct and Procedure for making complaints which has been placed on the Council's website. The Council has set up a Standards Committee which includes 8 councillors and four non-voting co-optees (3 independent members and a representative of the Parish and Town Councils).

Independent Persons have been appointed after external advertisement. A Panel of three – Mr David Waxman, Mr Stuart Carvell and Mr Marvyn Moore were appointed to a joint panel with Barnsley City Council and The South Yorkshire Secretariat. Training has been given to all members on Disclosable Pecuniary Interests and a new register of Members Interests has been set up. All Members have provided Declarations of Interests.

Independent Persons (IPs)

The Council was fortunate to appoint three very experienced Independent Persons. The Chair of the Standards Committee has met with them to discuss their role. The Code and Procedure was discussed with the IPs and some amendments were suggested. It was agreed the IP would be available to all parties in a complaint. If appropriate, more than one IP may be involved to assist the different parties and the Monitoring Officer (MO).

The Independent Person when asked to be involved with the complaint will assist the MO in deciding what process should be followed and consider the complaint, including speaking to the parties. If the matter proceeds to the Standards Committee, the IP will prepare a short report and attend the Committee to give them their view of the complaint.

Standards Complaints Received

July 2012

Complaint made by a member of the public about the behaviour of an elected member at a public meeting.

The Monitoring Officer met with the complainant after investigating the background. There had been a misunderstanding as to who should attend the meeting owing to a notice of the meeting being sent out by a third party being incorrect. The Monitoring Officer met with the member of the public who accepted the explanation and apology from the Council and did not want to proceed further.

August 2012

A complaint was made by a member of a community group in relation to an elected member's conduct at a meeting and after the meeting. A representative of the complainant spoke to the MO and it was agreed that the matter be dealt with by the Leader. A related complaint was expected but was not received.

August 2012 – February 2013

A complaint was made by an elected member of Sheffield City Council against a member of a Parish Council. A counter-complaint was made by the Parish Councillor. An unsuccessful mediation meeting was held by the Monitoring Officer with both Councillors. An Independent Person advised the MO and elected member as to further conduct of this matter. The elected member decided not to proceed with the complaint.

January 2013

A general complaint was made about the conduct of an elected member at full Council. No individual who attended the Council made a complaint under the Standards Procedure.

January 2013

A number of complaints were made in relation to a member's conduct at a public meeting. Although there were slight differences in the accounts, generally the events were agreed. The Councillor acknowledged the remark should not have been made and was not accurate as to the reasons the potential closure had not been made public. She apologised for the remark. It was clear that it was not the remark but the decision making process relating to the potential closure which was the real subject

of the complaint. This was outside the Standards Process. The Monitoring Officer and Independent Person decided that the matter should not proceed to the Standards Committee.

A full report on the investigation, including possible recommendations to Council, is attached at Appendix 4 to the report.

February 2013

A complaint was received in respect of failure to disclose a DPI by a Parish Councillor. The member corrected the register. The complaint was withdrawn.

March 2013

A complaint was made by two elected members about statements made in the press and at Council. A Standards Committee is being arranged to consider the evidence in this case.

April 2013

A member of the public complained about members' conduct at a Council meeting. An apology was sent on behalf of elected members by the MO.

April 2013

An elected member complained about an inaccurate Tweet. The information was corrected and the apology was accepted.

June 2013

A member of the public complained about the attitude of an elected member at an event. Further clarification of the complaint has not been submitted and it has now translated into a Freedom of Information request.

July 2013

A complaint was received in relation to an elected member's conduct at an outside venue. Part of the complaint related to issues that were not the responsibility of the member. The member apologised for any unintended offence given.

Recommendations

- 1 The Committee reviews the Members' Code of Conduct and the Procedure for Dealing with Standards Complaints.
- 2 The Committee reviews the complaints made.
- 3 The Committee discuss with the Independent Persons their role as set out in the draft Protocol.

- 4 The Committee to decide if any action is required in relation to the recommendations arising from the investigation in Appendix 4.

The Monitoring Officer